



LOOKING FORWARD

ON BROADWAY, in the theatre district of New York City, stands an ex-service man in doughboy cap selling apples for five cents each. On his stand is a large sign "Unemployed. Buy an apple. Five cents." He is one of many hundreds of men doing the same thing. Most of them wear the large cardboard sign "unemployed" in their hats.

▶▶ As AN advertisement of the fact that unemployment is abroad in the land, and that citizens' relief committees are doing their best to take care of the suffering, probably nothing better could be devised. One cannot walk three blocks in the city without the constant reminder. The men thus singled out for attention are tragic symbols of poverty, unhappiness and discouragement. Both egotism and conscience press the passerby to purchase an apple—which happens to be very good. With relief, then, the purchaser may reflect that the same citizens who are sponsoring this effort are doing their best to raise money and provide jobs wherever possible.

▶▶ WHAT IS to be said, however, for the frame of mind of the man thus advertised? How deep is the blow to his self-respect? In return for this meagre job, thus ballyhooed, how much of his character does he sell each day? What better method could be conceived to stigmatize and debase him? None that we can think of—certainly not straight charity.

▶▶ CHARITY is one thing. Self-respecting work is another. A job which carries with it the sign "unemployed" is neither one of the two. It is an advertisement for the people who "give" the job, at the expense of the recipient's soul. Multiply these "unemployed" cards on these men on our sidewalks by the thousands which could likewise be affixed when new federal, state and municipal relief work is available, and the ghastly mistake becomes clear.

▶▶ AMERICA'S unemployed deserve the best the country can do for them. What is that best to be?

Francis Rufus Bellamy

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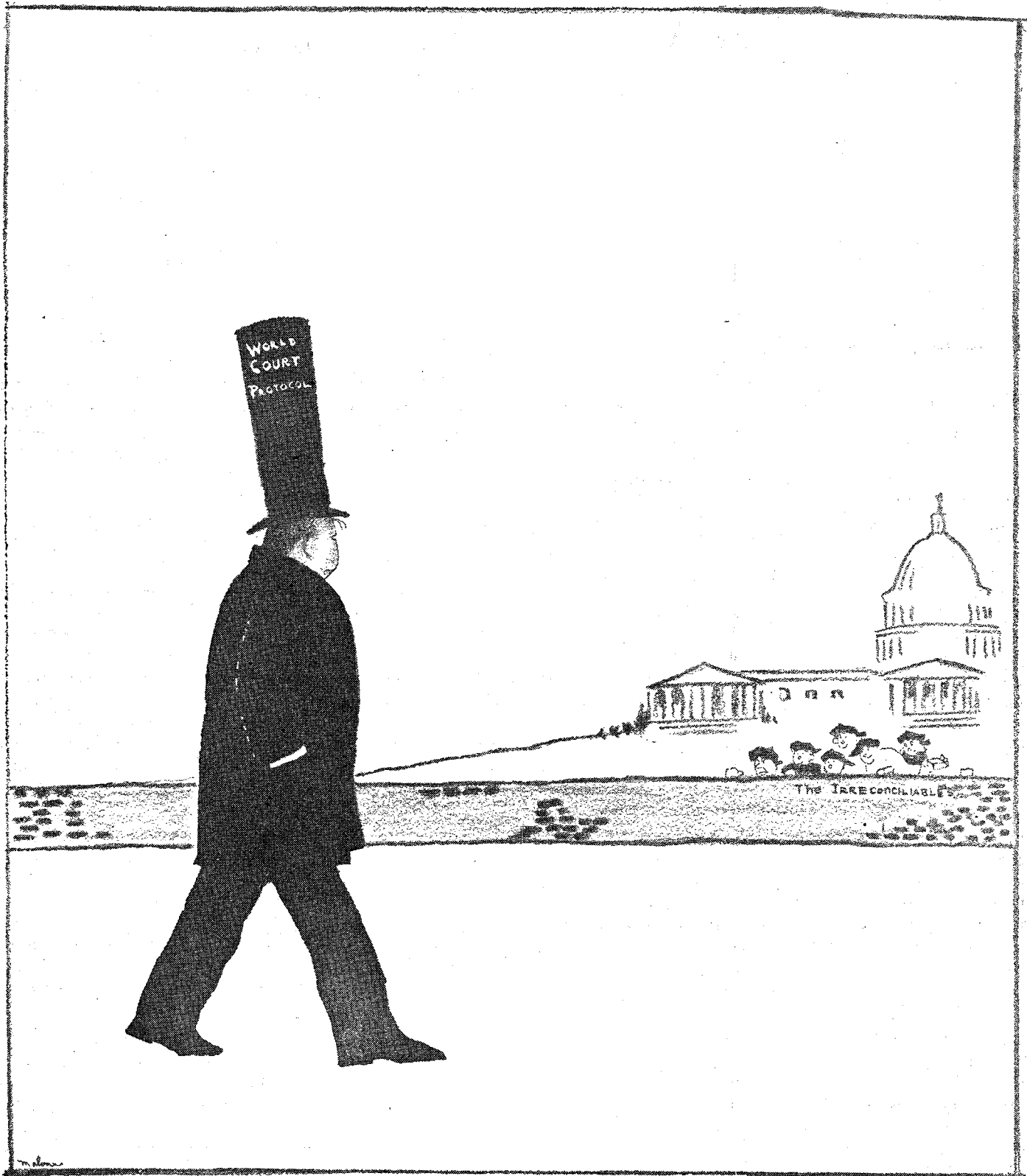
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A FINE TARGET FOR THE CAPITOL HILL GANG

OUTLOOK

and Independent

December 10, 1930

▶▶ The Trend of Events ◀◀

▶▶ Manning vs. Lindsey

WELL, Bishop William T. Manning lost and Judge Ben B. Lindsey won, but God reigns and the nation still lives.

The New York Churchmen's Association, an organization of Episcopal clergymen, had invited Judge Lindsey to address them at a luncheon on "The Institution of Marriage." Judge Lindsey had accepted the invitation. When word of these scandalous goings-on reached the saintly ears of Bishop Manning he demanded that the invitation be withdrawn. With Judge Lindsey sitting in an ante-room, members of the association debated the Bishop's demand for two hours. By an overwhelming vote, they then decided to hear Judge Lindsey to the bitter end.

The judge thereupon told them of the four reforms which he has been advocating in and out of print, up and down the land, these many years. He told them he favored the legalization of the companionate marriage—a marriage in which a divorce may be secured by mutual consent if there are no children. That he favored the creation of commissions of physicians, lawyers and clergymen who would attempt to reconcile estranged married couples and grant them divorces only when divorces were really necessary. That he favored education on the art of love and marriage in schools and colleges. That he favored adjusting alimony to economic status and the facts of the case in question. He told them that, contrary to popular belief, he did not advocate free love.

Having heard all this horrible, horrible stuff, and much more like it, the clergymen put on their coats and went

home. No doubt they were all corrupted beyond recognition by Judge Lindsey's unspeakable address, but if they were, reporters who covered their meeting somehow failed to mention it.

▶▶ Big Bill's Idea

IF CHICAGO doesn't get on top of its business depression it needn't blame Big Bill Thompson. There the Mayor stands, broadly bountiful, ready to throw a round million dollars into the ring and let the citizenry scramble for it.

Mayor Thompson's plan is this: Chicago tradesmen would issue a coupon with each twenty-five cents' worth of merchandise sold during the three or four months of Mayor Thompson's "prosperity drive." Railroads would cooperate by lowering their fares; thus luring residents of all the central states to do their shopping in Chicago and return home covered with coupons. Each coupon would represent a chance to win awards of \$100,000, \$50,000, \$25,000 or one of the 16,500 prizes of \$50 each—Mayor Thompson's million aforesaid.

Unfortunately, Chicago's larger merchants are standoffish. As for the Post-office Department, it has ruled that the scheme is an ordinary lottery and that if it goes into effect newspaper stories and other written matter pertaining to it will therefore be barred from the mails.

Yet in making this suggestion Big Bill remains so indomitably true to type that one almost feels he should be allowed to go through with it. These are bleak days with little fun in them. And who but the chief clown in Chicago's political circus could possibly have thought up a business-booster that would even be barred from the mails?

▶▶ Question of Principle

PRESIDENT HOOVER revealed courage and decision in submitting the World Court protocols to the short session of the Senate*, and in naming William N. Doak to his Cabinet against the wishes of the American Federation of Labor.

It strikes us that, in the controversy over Mr. Doak, President Hoover is altogether right and President Green of the Federation altogether wrong. The Federation holds that no man should be appointed Secretary of Labor who is not a Federation member. That is to say, the appointee must come from the American Federation rather than the American citizenry. Ergo, this Cabinet seat is the Federation's private property, to be filled, not with the consent of the Senate alone but with that of the A. F. of L., also. Plainly this is ridiculous.

Mr. Hoover cannot endorse "the principle of debarment of the railway employees or other labor unions or associations, or of any labor man in the United States, from the opportunity or the aspiration to attain any office in this land . . . Mr. Green's enunciation that appointments must come from one organization . . . imposes upon me the duty to maintain the principle of open and equal opportunity."

Probably no one believes that principle alone dictated Mr. Doak's appointment. Nevertheless, as far as the principle is concerned, Mr. Hoover has Mr. Green on the hip.

*See editorial on page 570.

▶▶ A New Cabinet Member

HAD THERE NOT BEEN a question of principle involved, the appointment of Mr. Doak to succeed James J. Davis, of

Pennsylvania, would have occasioned little comment. To judge from his record, Mr. Doak will fill his new position with more competence than brilliance.

Mr. Green declares that the Secretary of Labor should be "a man who understands the American labor movement, its problems and the thought and mind of American labor." No doubt Mr. Doak understands them well enough.

Born in Wythe County, Virginia, in 1882, at the age of eighteen he began his career by switching boxcars in the Norfolk & Western yards at Bluefield, West Virginia. Three years later he joined the Brotherhood of Railway Trainmen, one of the "Big Four" organizations which have a total membership of about 400,000 unaffiliated with the 4,000,000 members of the American Federation of Labor. Rising rapidly from the ranks, he was elected vice-president of the brotherhood in 1916. He is at present legislative agent, known particularly for his part in drafting the Watson-Parker railroad labor act and for his work as mediator in labor disputes.

In politics he is a conservative Republican, who plugged for Hoover in 1928 as director of the Republican National Committee's Labor Bureau. Presumably this did him no harm when Mr. Hoover came to nominate Mr. Davis's successor. Indeed, reports from Washington indicate that Mr. Hoover had intended to name Mr. Doak in the spring of 1929 when Mr. Davis decided to retire, and that the President only changed his mind when Mr. Davis changed his.

It will be surprising if the Senate heeds the Federation's protests and refuses to confirm this appointment. It will be hardly less surprising if Mr. Doak raises the level of a Cabinet that has been consistently mediocre.

►► Message to Congress

IT IS A FAR CRY from the Republican-and-prosperity arguments of 1928 to President Hoover's remarks on the economic situation in his message delivered to Congress on December 2, 1930. It was a simple world we lived in two years ago, when all we had to do to preserve and augment our prosperity was to believe Republican orators and vote the Republican ticket. Yet, twenty-five months later, in his message to the short session of the Seventy-first Congress, Mr. Hoover points out that "during the past twelve months we have suffered with other nations from economic de-

pression." Can it be that the Republicans fibbed?

Apparently. Evidently they could not maintain prosperity then, nor can they restore prosperity now. "Economic depression," says Mr. Hoover, "can not be cured by legislative action or executive pronouncement. Economic wounds must be healed by the action of the cells of the economic body—the producers and consumers themselves." All that the government can do is a little more of what it has done already. It can urge employers to maintain wage standards and urge labor leaders not to call strikes. It can ask state and local governments, as well as private industries, so to distribute employment as to give work to



Wide World

NEW SECRETARY OF LABOR

William Nuckles Doak, of Virginia, who succeeds James J. Davis of Pennsylvania

the maximum number of persons. It can start public works, request state and local governments to follow suit, and persuade public utilities to do construction and betterment work in anticipation of future needs. It can help to organize local committees to create employment agencies and relieve distress.

The cooperation along these lines throughout the country has been "magnificent," Mr. Hoover says. As for the federal government, it is not only cooperating with other agencies but "is engaged upon the greatest program of waterway, harbor, flood control, public building, highway and airway improvement in all our history." Mr. Hoover favors the temporary expansion and acceleration of these activities, though he declares that the government must not undertake works "that are not of sound

economic purpose and that have not been subject to searching technical investigation." With a view to speeding up federal construction during the next six months, he will ask Congress for an extra appropriation of from 100 to 150 million dollars.

All this is good enough as far as it goes, but it may not go very far toward solving the problem of unemployment. Have the Democrats any better program? If they have, Mr. Hoover, with no medicine to offer save a little more of the same, is giving them an ideal opportunity to present it.

►► More of the Message

Mr. Hoover's message to Congress is as noteworthy for the current questions it skips or skimps as for those it discusses at length. Thus it makes no mention of the export-debenture farm-relief plan or of the Norris resolution against lame-duck sessions of Congress. Thus it dismisses the important power and prohibition issues with the following eighty words: "The Congress has before it legislation partially completed in the last sitting in respect to Muscle Shoals, bus regulation, relief of congestion in the courts, reorganization of border patrol in prevention of smuggling, law enforcement in the District of Columbia and other subjects. It is desirable that these measures should be completed. . . . I have in a previous message recommended effective regulation of interstate electrical power. Such regulation should preserve the independence and responsibility of the states."

In 1929 Mr. Hoover declared flatly that no governmental agency should engage in buying and selling and price-fixing of products. Yet there is nothing in the present message to show that he disapproves of the Federal Farm Board's buying and selling and price-fixing of wheat. Indeed, he says that farm prices, twenty per cent lower than they were in 1928, would be lower still were it not for the Farm Board and the tariff. Otherwise his remarks on agriculture deal with his recent activities for drought relief and his recommendation that Congress set aside a sum which may be loaned to farmers for the purchase of seed and feed for animals.

President Hoover declares that he does not favor the repeal of the Sherman anti-trust law, but seems to feel that it should be revised, especially as it relates to the exploitation of natural resources like coal and oil. He also

questions the value of the much-mooted tax on capital gains. Again, he believes that Congress should reconsider the immigration law, with the aim of making it more selective and flexible to the needs of the country. Finally he urges that our deportation laws be strengthened so that we may more fully rid ourselves of criminal aliens.

It will be seen that the message has few high spots. Mr. Hoover's warmest champions will hardly call it distinguished.

►► Soso

WE KNOW that no man is a hero to his valet. We wonder whether any man is really a hero to his mother.

Take for example Joseph Djughashvili, whom Lenin named Stalin because he was like steel. Stalin, perhaps the outstanding figure in the world today, whose piercing eyes look out from the newspapers of all the nations every few days and down from the walls of every shop, factory and office in the Soviet Union. His mother, Ekaterina Djughashvili, calls him Soso—the Georgian pet name for Joseph.

Interviewed in her living room by H. R. Knickerbocker, correspondent for the *New York Evening Post*, Ekaterina Djughashvili had several important points to make about the career of her

and she ought to know. In the second place, Soso was not, as official records state, expelled from the theological seminary for "unreliability." She took him out because of his health. That is her story, originated thirty-two years ago when there were prying neighbors to be satisfied about the incident, and, like any loyal mother, she sticks to it. In the third place, Soso works too hard. He has a family, a wife and three children, and he is much too busy to pay proper attention to them. She herself has not seen him for three years.

This is Stalin, who at the age of eighteen joined the Social-Democratic organization and in the next nineteen years was exiled six times to Siberia and the Arctic and escaped five times. The man who is "brewing a hot broth" at the head of a nation of 150,000,000 people who have revolutionized a civilization, retailed moral standards, dismantled church buildings right and left and established the belligerent League of the Godless.

"Did you ever dream," the interviewer asked Stalin's mother, "that he would become what he is today?"

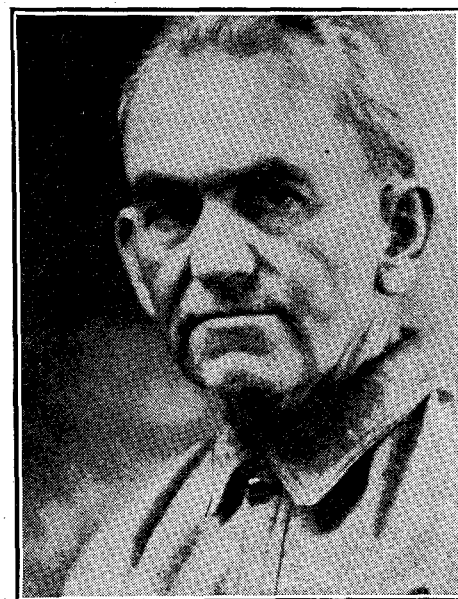
"Yes," she said. "I did dream that one day Soso would finish his studies and become a priest. That's what I dreamed."

►► The Billings Case

FOR THE SECOND TIME in five months the Supreme Court of California has declined to recommend a pardon for Warren K. Billings. Hence he and Thomas J. Mooney must continue to serve life sentences though the cases against them began falling to pieces fourteen years ago. Governor Young will not pardon Mooney unless a pardon is granted to Billings and he cannot pardon Billings (a second-offender) save on the Supreme Court's recommendation.

But why did Billings address this second appeal to a court which had refused his previous appeal in July of this year? The answer extends from the Mooney-Billings trials in 1916 to the dramatic discovery of John MacDonald last July 7. MacDonald, a waiter addicted to drugs, was the only witness who testified that he saw Billings at the scene of the bombing. While he retracted in 1921, he was not to be found when the court reviewed the case last summer. The court was unconvinced by his nine-year-old affidavit, unconvinced by the fact that the testi-

mony of every other crucial witness had broken to bits, unconvinced by a mountain of opinions that the prisoners



Acme

THOMAS J. MOONEY

were innocent—opinions from the deputy prosecutor, the foreman of the jury, nine of the ten living jurymen, the judge who presided, the detectives who admitted framing testimony. Irrelevantly, the court decided that "if Warren K. Billings did not himself prepare and plant the deadly time bomb" he and Mooney knew who did.

Thereupon, Governor Young, perhaps to mitigate the effects of this disheartening decision, promised to hear any witness who wished to repudiate his testimony at the Mooney trial and suggested that the court hear any witness who wished to repudiate his testimony at the Billings trial. Then came the nation-wide search for MacDonald, his discovery at Baltimore, his statement that his testimony was "untrue and false," his trip to California, his appearance before Governor Young and the Supreme Court.

Between sobs, MacDonald again repudiated his testimony, swore that he had lied at the trial, that he had been paid to lie, that he had never seen the prisoners until an officer pointed them out in the courtroom. It seems that he might as well have saved his breath.

►► Miscarriage of Justice

WE SAID it was surprising and shocking when, in July of this year, the California Supreme Court refused to recommend that Billings be pardoned. We say it is amazing and somehow slightly



Acme

WARREN K. BILLINGS

son Soso. In the first place, he was born in Gori, not in Lilo, as most people say. She is his mother, she points out,

incredible that the court should stick to its position despite all evidence tending to show that Mooney and Billings



Keystone

FRANK B. KELLOGG

were railroaded to the penitentiary.

As for us, we are one with many others who view this case, not in the light of prejudice, but in the light of objective study. We see little or no reason to believe that Mooney and Billings were guilty of the Preparedness Day bombing. We see many reasons to believe that the sentences they are serving represent an appalling miscarriage of justice. Whether Mooney or Billings could, if he wished, tell who planted the bomb we do not know, nor is that at all pertinent. The two men are not serving life sentences for knowing who planted the bomb. They are serving life sentences for planting it themselves.

If either Governor Young or the California Supreme Court could show sound reason for believing that Mooney and Billings are guilty, we might be willing to admit that we have misjudged this case and to urge that the two men in prison be kept there. Apparently they can show nothing of the sort. At any rate, so far as we can learn they have never attempted to show anything of the sort. The court's statement that, if Billings did not plant the bomb, he and Mooney know who did is a perfect example of the begging of the essential question—are these men guilty or innocent?—which court and governor have indulged in since the case came before them. And all this time Mooney and Billings have remained in prison, hour after hour, day after day, week after

week, month after month, year after year.

The one hope of the two prisoners now is that Governor-elect Rolph will find a way to have them freed when he succeeds Governor Young. It may be an exceedingly slim hope. It would be an entirely futile hope had not Mr. Rolph, as Mayor of civilized San Francisco, demonstrated uncommon tact, sense and liberality in dealing with so-called radicals like Mooney and Billings.

Meanwhile, this much is plain: If intelligent citizens of this country cannot arouse themselves from their lethargy over the Mooney-Billings case, something serious has happened to America.

►► Nobel Peace Prizes

THERE is a "devil's broth" brewing in Europe, says Senator Reed of Pennsylvania, who believes that, "if it were not for the apprehension of Bolshevism, the countries of Europe would be at each other's throats this very minute." He declares that foreign statesmen with whom he has talked are pessimistic.

Senator Reed may exaggerate, but he probably does not exaggerate a great deal. Perhaps, then, it is because this is the situation in present-day Europe that an element of farce crept into the recent announcement that the \$48,000 Nobel peace prizes had been awarded for 1929 and 1930. The prize for 1929 goes to former-Secretary of State Kellogg, now a judge on the World Court; the prize for 1930 to Dr. Nathan Soederblom, Archbishop of Upsala and Primate of Sweden. Judge Kellogg and Dr. Soederblom may have labored vigorously for world peace, but their labors have been lost in the broth.

Mr. Kellogg's outstanding achievement was his advocacy of the pact by which the nations, tucking tongue in cheek, pledged themselves to renounce war as an instrument of national policy and to seek the settlement of all disputes by pacific means. The weakness of this instrument is indicated by its failure in the recent Russo-Chinese disturbance, by the fact that the war-renouncing nations refuse to scrap **any of their** war-making weapons and by the projects already under way to give the newborn pact a set of teeth.

Yet if candor compels the admission that Mr. Kellogg has not proved himself one of the world's great peace-makers, what shall be said of Dr. Soederblom? The fact is, not one

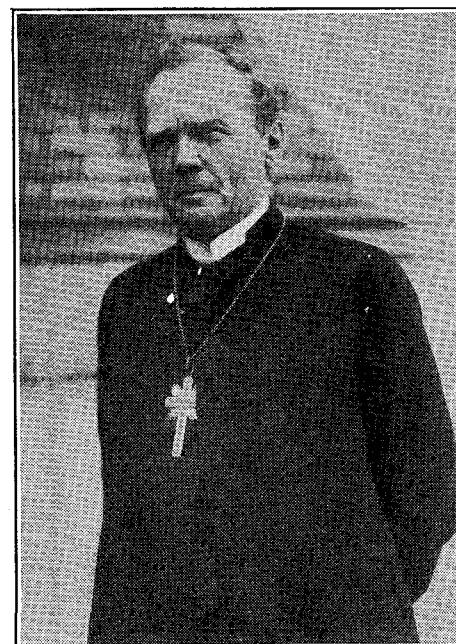
American in a hundred, nor even one American journalist in a hundred, is familiar with Dr. Soederblom's name, to say nothing of his achievements. So far as they relate to international peace, these achievements have been inconspicuous and of little consequence. Dr. Soederblom, a leader in the Lutheran Church, is a scholar and a theologian. He is interested, not only in world peace, but in Christian unity, and especially in the inter-relation of the two. Yet, with all due respect for his ideals, it is hard to see why he should be selected as a man whose work for peace is more noteworthy than that done by any one else. Is the award, by any chance, intended to be ironic?

►► Robinson Wobbles

Who will lead and plead for the drys at the next Democratic national convention? Who will stop Roosevelt, or Ritchie or Bulkley, or whoever the logical wet Democratic candidate for President may be two years hence?

Not Senator Walsh of Montana, who admits he would vote wet if the people of his state by referendum asked him to. Not Senator Caraway, Senator Harrison or Senator Swanson, all of whom lack political stature. Not Senator Glass, who will be 74 years old in 1932. Who, then?

Senator Robinson of Arkansas? The



International

DR. NATHAN SOEDERBLOM

Democratic leader in the Senate and vice-presidential candidate in 1928 is, conceivably, big enough. He is strong

in the South and, because of his work for Smith two years ago, by no means weak in the North. His celebrated dryness, however, has apparently been exaggerated, or perhaps moistened by events. He does not favor the repeal of the Eighteenth Amendment, he revealed as he returned to Washington for the short session of Congress. Nor does he think his party will declare for repeal in 1932. "What about modification?" reporters asked him. "I have no comment to make on modification," he replied.

Is the Senator offering himself as a compromise modificationist candidate acceptable to Democratic dries and wets alike? Some commentators think so. Yet Senator Robinson's statement is itself a sign that Democratic wets probably will not need to compromise in their party's next national convention. When the only outstanding leader of the Democratic dries hints that he has an open mind on modification, it is plain that the wet movement in his party is making great headway. Present appearances indicate that there will be comparatively little protest when a flat wet plank is nailed into the next Democratic platform.

➤➤ *March Through Georgia*

PRESENT appearances also indicate that, if Franklin D. Roosevelt is chosen to stand on a wet Democratic platform in 1932, bone-dry Georgia will rejoice. Governor Roosevelt's annual trips to Warm Springs, the foundation for cripples which he helped to establish there, and his sympathetic treatment of Southern problems have given this wet Northerner a stronghold in the enemy's country. Naïvely snobbish, many Georgians reflect that Roosevelt is a New Yorker after their own hearts, a product of Harvard rather than the East Side, an affluent Protestant Democrat rather than a Roman Catholic leader of Tammany Hall.

Appearances, to be sure, may be deceitful. Georgia may not admire Roosevelt as much as news dispatches suggest. One recalls those Al Smith clubs formed in Hoovercratic North Carolina and Virginia in the spring of 1928. But, at any rate, here is Roosevelt in Warm Springs, eating 'possum 'n' taters while fiddlers and banjo players rattle off "Billy in the Low Ground." Here is the Democratic *Atlanta Journal* (Motto: Covers Dixie Like the Dew) punctuating a Thanksgiving dinner for Roosevelt with a radio acknowledgment of

his "signal achievement for America and the Democratic party." Here are Georgia farmers and club women galore inviting Mr. Roosevelt to address them. Here are Democratic judges in Meriwether County hustling 1,500 persons into a Roosevelt for President Club. Here is a Greenville editor planning an auto trip to Roosevelt's inauguration at Albany, "to let the folks up there, and all people between here and there, know what we think of Franklin D. Roosevelt and, incidentally, to let them know we are backing him for President in 1932." Georgia may refuse to support Roosevelt when his name comes before the next Democratic national convention. Georgia and other Southern states may bolt if Roosevelt is nominated as Texas, Florida, Virginia and North Carolina bolted when Smith was nominated. But the odds are all against it and the way to bet is that they won't.

➤➤ *Villa Lewaro*

For years, motorists driving through Irvington-on-Hudson, New York, have stopped to stare at the Villa Lewaro. For years, night boats bound up the Hudson to Albany flashed their lights up the hill to the villa's reddish roof so that passengers might see Westchester County's most famous mansion and tell one another of its Negro owner, Madam C. J. Walker. It was, therefore, not strange that, when the contents of Villa Lewaro went under the auctioneer's hammer recently, sightseers outnumbered bidders by ten to one.

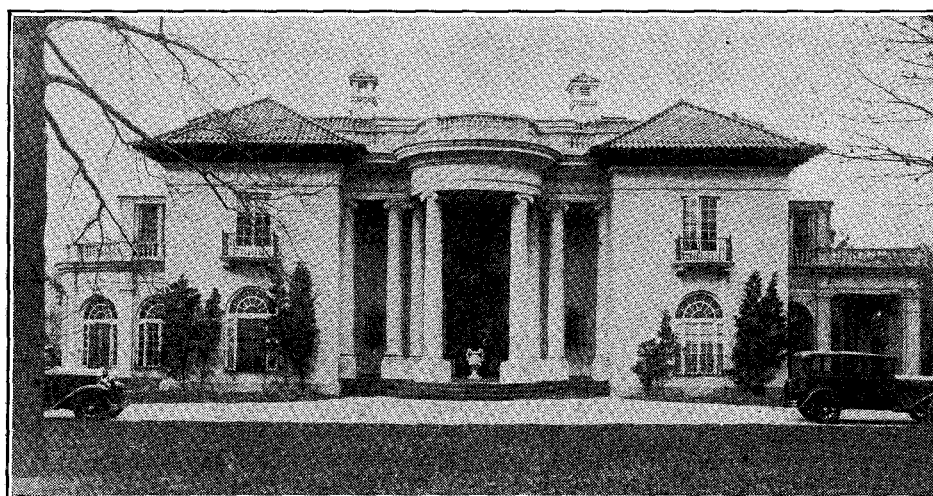
Madam Walker, who started her career as a laundress and built up her business from a capital of a dollar or so, invented something that all her race

wanted to buy—an anti-kink hair lotion. Thus she made millions enough to buy whatever she wanted herself. She had the house on the Hudson in which she lived for eleven months. She had a terrace, a swimming pool and a sunken garden. She had a gold-leaf electrical organ, gold-leaf mechanical pianos, plenty of statuary and paintings, an Aubusson tapestry, a \$15,000 set of books on the opera, a marvelously swanky 14-volume edition of the Bible, a bed with a red canopy, a solid oak pool table, sterling silver tea sets and an imported \$10,000 Japanese prayer tree in her front yard. She had a lot more things, too, and she enjoyed them all until she died, eleven years ago. Villa Lewaro parties were mere legends to her Westchester neighbors, but kink-emancipated Harlem remembers them well. The name Lewaro was made—some say it was made by Caruso—from the name of Madam Walker's daughter, Lelia Walker Robinson, who occupied the house until the expense became too great.

Thus are scattered the traces of an enviable person—a woman who, after having rendered her race a service comparable to that of Abraham Lincoln himself, wanted a gold-leaf automatic organ, a 14-volume wood- and pigskin-bound Bible and a \$10,000 tree, and got them, and relished them very much.

➤➤ *Moscow's Treason Trial*

SOVIET RUSSIA has shown the world how to stage a trial of first magnitude. When eight Russian engineers were indicted in November on charges of plotting to overthrow the Soviet government a trial seemed less appropriate according to



Wide World

MADAM WALKER'S
Villa on the Hudson which will be sold on December 13

accepted Soviet standards than a stone wall and a firing squad. Although one of the prisoners, Professor L. K. Ramsin, confessed intrigues involving prominent officials in France and Great Britain, a suspicious world dismissed the indictment as for the most part incredible.

The Soviet government then came forward like a veritable Barnum. The trial was started with a be-bannered demonstration of 500,000 people tangling Moscow's traffic and crying death to the traitors, foreign imperialists and oil kings. Through a cordon of police and soldiers the eight defendants were marched to the court house. Guarded by four soldiers with fixed bayonets and peaked cloth helmets, they were hustled to the benches, their eyes blinking beneath thirteen arc lights set for photographers, their wax-yellow faces stoical before a battery of microphones which carried their words across the country.

Professor Ramsin, short, square-jawed, intelligent, repeated his confession of intrigue abroad, sabotage at home, financial aid from Paris and a projected foreign intervention to have been followed by a division of Russian resources among France, Poland, Roumania and Great Britain. At times the professor even read from a lengthy document, so careful was he not to budge from his original story. Then the other prisoners echoed Ramsin with their own confessions until all eight were self-condemned, pleading for the mercy of the court.

In any other country the trial would have ended there. Prosecutor Krylenko, however, plunged into cross-examination, ignoring details of the confessions, rubbing in certain lessons for the benefit of the Russian masses. One lesson was that, had the plot succeeded, no Russian would have gained while all Russians would have suffered under foreign bayonets. Another was that the hard lot of the Russians was due to spies and counter-revolutionary forces within the country. Still another was that increased military expenditures were necessary in face of impending attacks from without. However the confessions were secured, there can be little doubt that the trial was a frame-up.

►► Piatiletka

VALERIAN V. QUIBESHEFF, president of the Soviet State Planning Commission, follows the well-known political practice of claiming everything in sight.

Giving the Associated Press a list of Russia's achievements in the first two years under its celebrated five-year plan, President Quibesheff has proved—to his own satisfaction—that everything in Russia is rosy.

The five-year plan, known in Russia as Piatiletka, was inaugurated on October 1, 1928, to direct Russian agriculture and industry toward a series of definite objectives whose achievement would rank Russia high among the producing, manufacturing and exporting nations of the world. On October 1, 1930, Russia was running ahead of schedule, according to Comrade Quibesheff, who maintains that the question of reaching the Piatiletka objectives by



International

PROSECUTOR KRYLENKO

Who has been conducting the treason case against eight prominent Russian engineers

1933 has turned into a question of reaching them by 1932.

This will be no task at all if one is to credit Quibesheff indices. There is, he points out, the industrial output, greater by 1,288 million rubles than the output scheduled for the end of Piatiletka's first two years. There is the building program, amounting to 4,605 million rubles as against Piatiletka's 3,990. There are the railroads, carrying 409 instead of 305 million tons of freight, amassing 71 instead of 51 million passenger-kilometers. And there are the farms, their area under cultivation, machinery in use and livestock all running ahead of schedule, producing 11 per cent more sugar, 23 per cent more cotton and 32 per cent more wheat than Piatiletka's authors had planned.

President Quibesheff tops off these bullish figures with the statement that unemployment no longer exists in Russia although the five-year plan fore-

shadowed 400,000 unemployed in 1933. No index of prosperity could have excited more interest in the United States than this one dealing with employment. Whatever the merit of Quibesheff's figures, the progress of the five-year plan is of the first importance to America, since its success would tend to diminish our exports to other countries while increasing our trade with Russia.

►► New York Vice Ring

ON AUGUST 21 Governor Roosevelt, hearing intimations that Tammany had perfected a system of selling judge-ships, urged the Appellate Division of the New York State Supreme Court to investigate the lower courts in Manhattan and the Bronx. The Appellate Division ordered the investigation on August 25. It appointed Samuel Seabury, a former justice of the Court of Appeals, as referee and Isidor J. Kresel as special counsel. Mr. Kresel promptly began to investigate and take testimony in private.

On November 24, 25 and 26, Mr. Kresel held his first public hearings before Referee Seabury. He then called a halt until the following week, perhaps to give New York City a chance to catch its breath. For in these three days he had piled the record sky high with solid evidence of graft, bribery and corruption involving policemen, prostitutes, bondsmen and tinhorn lawyers.

Mr. Kresel confined himself to the Women's Court, made much use of confessions and presented only evidence which could be corroborated by court records. Yet he revealed a well-established system of corruption based upon the mulcting of commercialized vice and laid the groundwork for possible punitive action against six lawyers, four bondsmen, twenty-eight policemen and a former official in the office of the District Attorney. He occasioned hurried conferences between Mayor Walker and Police Commissioner Mulrooney, brought about the demotion of thirteen plain-clothes men, re-created the demand that Governor Roosevelt appoint a commission of laymen to investigate all forms of official corruption in New York City and set Republican leaders debating the advisability of a sweeping inquiry by a committee of the Republican-controlled state legislature.

All this in three days. What has been disclosed will give you a rough idea of what could be.

►►The Ring at Work

THE testimony of John C. Weston and "Chile" Mapocha Acuna before Referee Seabury drew a black line of bribery from prostitute to prosecutor. Weston was the District Attorney's sole prosecutor in the Women's Court for eight years. Acuna was a sleek little vice-squad stool pigeon from Chile, capitalizing his knowledge of Latin languages in the foreign districts of New York City. The former admitted accepting \$20,000 in graft from shyster lawyers and scavenger bondsmen for failing to push 600 vice cases involving 900 defendants. The latter named twenty-eight plain-clothes men who had hired him in hundreds of "frame-up" and "shake-down" arrests.

The ring worked this way: At a given hour Acuna would meet detectives before a police station, give them the address of a bordello, receive a few marked bills and hurry away to the house in question. The woman would take the marked bills, with Acuna noting where she put them. Then the detectives would enter, pretend to cuff Acuna about and take the woman to the nearest police station.

If the prostitute decided to accept the punishment provided by law, the police would, at worst, get credit for another arrest. If she decided to resort to bribery, the police were ready with their hands out. They in turn would give between five and ten dollars to Acuna, who made between \$100 and \$150 a week. In some cases, Acuna testified, stool pigeons had direct connections with bondsmen and lawyers, would notify them when prostitutes were arrested and would receive payment from both. In other cases the police notified the bondsman, who charged the prostitute an exorbitant price for his bond and summoned a lawyer, who charged her an exorbitant fee. Then the case was ready to be thrown out of court.

Enter Weston, who had gulled the vice-hunting semi-official Committee of Fourteen into describing him as "an able and conscientious prosecutor." For twenty-five dollars paid by lawyer or bondsman Weston would conduct a perfunctory prosecution and the case would be dropped. The prostitute would return to her trade, resentful, perhaps, at being bled by police, lawyer, bondsman and prosecutor, but thankful to remain out of jail.

We need not go into the exceptional cases, such as those in which Acuna

failed to obtain evidence but arrests and prosecutions followed nevertheless. The unexceptional cases are evil enough.

►►Convict-Made Imports

NEW Baffle Book: the regulations drafted by Secretary Mellon to enforce the tariff law's provision against the importation of convict-made goods. While



Remarkable Remarks

This country of ours is a prosperous country right now.—WILLIAM RANDOLPH HEARST.

I don't believe one-third of the stories of losses in the market crash. America, after years of prosperity, suddenly decided it was oopsie-daisy to plead poverty.—O. O. MCINTYRE.

Determined that prohibition shall have the fair trial which it merits, and believing the national law is being enforced by men heartily in sympathy with its provisions, business men of the highest standing are rallying to a more active and greatly increased financial support of the Eighteenth Amendment.—REV. DR. F. SCOTT MCBRIDE.

I think that the moment is not far off when a revolutionary crisis will be unleashed in America. When that revolutionary crisis comes in the United States it will mark the beginning of the end of world capitalism.—REP. HAMILTON FISH, JR.

If there is one fair city on this American continent wherein decency controls, wherein honesty obtains, it is right in the city [New York] that I have the distinction, and the pleasure, and the honor of presiding over.—MAYOR JAMES J. WALKER.

I believe that one intelligent man is worth ten parcels of beautiful women, but I would rather spend an evening with the beautiful women.—GEORGE JEAN NATHAN.

Divorce would not be so frequent if the average American would select a wife with the same circumspection with which he buys an automobile.—DR. MAGNUS HIRSCHFELD.

After a horse, man is the most stupid animal created.—H. L. MENCKEN.



these regulations set up intricate enforcement machinery, they fail to specify what "convict labor" means. The obscurity becomes important when one recalls how the law was invoked last July in futile attempts to ban Russian spruce, pulpwood and manganese; how American Federation of Labor officials have insisted that under the law all products from Russia might be excluded

from United States territory.

The new regulations empower the Commissioner of Customs to ascertain whether convict labor is used in the production of a class of merchandise in any "locality" of a foreign country. If it is, the importation of all goods of this class from this locality will be prohibited. Will be, that is, unless the importer proves by "a preponderance of evidence" that convict hands did not touch the products in question. President Hoover and Under Secretary of the Treasury Mills declare that the new regulations are not aimed at Soviet Russia. Actually, they appear to be shaped so that they can be aimed at whatever country or class of goods the Treasury Department may wish to hit.

Does "convict labor" mean work done behind prison bars or work done by employees kept at mill or mine by political or economic pressure? The regulations do not say. Nor do they define the word "locality." Does it mean a valley, a province or the precincts of a penitentiary? Does it mean a river basin, so that Russian spruce cut at one end of a river might be embargoed if a convict were found cutting spruce a thousand miles away? We do not know. Nor do we know any way of finding out, save to wait and see how the regulations are applied, in particular how they are applied to exports from Russia.

►►Railroad Relief Bills

BEMOANING profit-destroying competition from gasoline and oil pipe lines, motor carriers and coastal steamers, America's Class I railroads have decided to demand succor from Congress. It is a two-part legislative program that lobbyists of the Association of Railway Executives are to advocate in Washington, probably during the next long session of Congress. On the one hand, the railroads wish to put their rivals under Interstate Commerce Commission restrictions; on the other hand, they hope to squirm out from under certain restrictions themselves.

As Charles C. Paulding, vice-president of the New York Central lines, has explained, one of the railroads' bills would place coastal steamship lines under the regulations of the Interstate Commerce Commission. Another would allow the railroads to operate steamers along the coasts and on the Great Lakes. A third bill would place interstate passenger busses under the I. C. C. regulations already applying to interstate

trucking. A fourth would allow the railroads to operate interstate truck and passenger busses. A fifth would tax commercial motor vehicles sufficiently to maintain good roads.

Finally, Mr. Paulding says, the railroads propose that gasoline and oil pipe lines be placed under restrictions similar to those which prevent railroads from transporting commodities (other than lumber) in whose production or manufacture they have an interest. This measure would have the effect of compelling the oil industry to divorce itself from a 400 million dollar investment in pipe lines. As Calvin Coolidge would say, 400 million dollars is a lot of money. And the oil kings, steamship lines and bus companies are a lot of heavy opponents for the railroads to tackle at one time. Hence the railroads are postponing introduction of their bills for a year, during which they will doubtless do intensive training.

►► In Brief

STATE COMMISSIONERS of banking agree that recent bank failures have helped the general position by eliminating weak spots. It is said that some stockholders in deceased banks refuse to be comforted by this statement, but probably they're just malcontents. . . . "Reparations are the real cause for the world-wide economic depression," says Dr. Hjalmar Schacht, former president of the German Reichbank, who still fails to see that the real cause was the obstructive coalition formed by Democratic and insurgent legislators before the passage of the Hawley-Smoot tariff bill. . . . And speaking of the slump, as who is not, save a first prize for Thomas W. Lamont, who says that the forecasts of the wisest economists and business men as to the end of the present depression "are at best mere guesses" Dr. Henry Van Dyke seems dissatisfied with Sinclair Lewis' *Main Street* because "there isn't a girl in the story with whom you would fall in love." How Dr. Van Dyke must have hated *Journey's End*. . . . Objecting to parts of Moscow's treason trial, Foreign Secretary Henderson of Great Britain proves himself incapable of appreciating romantic fiction. . . . Perfect sample of the American Communist's intelligence: hoping that the short session of Congress will not pass oppressive laws against them, Communists chose the opening day of Congress to stage a wild demonstration on the Capitol steps.

The World Court

ASK the ordinary man what he knows about the World Court and he will probably answer: "Nothing, and you're not going to tell me anything about it either." But whisper to him that there is likely to be a hot fight in the Senate over it, and he may work up a little interest. A fight's a fight, even if it is about peace. It is this ironical fact which explains why most of the newspaper headlines on President Hoover's sending of the World Court protocols to the Senate have been devoted but rarely to the Court itself, and mostly to the little band of Senate irreconcilables who dislike the Court as dramatically and long-windedly as they ever did the League of Nations—and propose, if necessary, to argue about it till legislation looks like a traffic tangle.

This being so, the question naturally arises: if the World Court presents such a minor issue, why are these men so exercised about it?

Viewed from the standpoint of any danger to the sovereignty of the United States, certainly any man who would view adherence to the World Court with alarm would be easily terrified. For so feeble is the court that it cannot compel the presence of any defendant whatsoever. It can merely function as a referee. Its usefulness lies in the simple fact that it supplies a definite place where international disagreements can be submitted before they rise to the dignity of quarrels. So clear is this that on only one small point is there left any argument, even in our own meticulous Senate; and this resolves itself into a question of how good a job Elihu Root did in revising the protocol on advisory opinions by the Court to the League of Nations so as to meet the Senate's previously expressed wishes.

What reason, then, do the irreconcilables give for their opposition?

Well, the best that Senator Watson can do is to recall that he was a member of the 1920 Committee on Resolutions in the Republican National Convention, which "definitely formulated the policy of this country against the World Court." True, every President of the United States for thirty years has been expressly and publicly for the Court. The House of Representatives has declared itself for adherence by a formal resolution, and in 1926 the Senate itself voted to adhere to the Court with five reservations, which have now been

taken care of. Such things, however, don't feaze Jim Watson. He was agin it then and he's agin it now; mainly, so far as we can see, because he made up his mind before President Hoover was "even Secretary of Commerce." It is the backdoor to the League of Nations, and that's the end of it. That's enough for any cracker barrel statesman; and apparently it is also enough for George Moses and Senator Borah and the rest of the irreconcilables, no matter how much they may say that now it is the Root formula which they don't like.

What's more, say they, this is the wrong time to bring the question up anyway; because unless the Senate works efficiently an extra session will be necessary, and that is a greater matter than whether or not we enter the World Court. Anyhow, what's the hurry? What's time in such a matter when Mr. Hoover has already held the signed protocols in the White House ice box for nearly a year?

The facts are, of course, that fifty-two nations have already signed the original protocol of the World Court. Ninety per cent of the population of the world has given its approval to it. The one essential left is that the Court have all the prestige and backing of public opinion that the United States can possibly give it. Only with our adherence will the world look on it as the normal agency for the settlement of justiciable disputes. At best the progress of humanity toward peace is slow. At the present moment, the World Court comes closer to expressing the realities of human society as internationally constituted than any other peace agency. The very fact that it is as yet a feeble instrument is one of its greatest advantages. It does not go beyond the actual state of world opinion. It is no pipe dream agency for peace like the Bryan treaties or even the Kellogg pact. It is practical and it works. Our own ex-Secretary of State Kellogg has just been elected to it. From it, to quote Mr. Hoover, "there is steadily growing a volume of precedents, decisions and acceptance of law in the formulation of which we should have a part, not alone in our own interest but in the advancement of peace." As for the argument over whether or not this is the proper moment to bring the matter before the Senate, we totally disagree with those who criticize the President. It may mat-

ter exceedingly ten years from now that the United States entered the World Court in 1930. It will not even be remembered that an extra session of Congress was or was not held.

The President rises above politics in

the matter. We applaud his resolution and leadership. The arguments which his adversaries have so far advanced merely make clearer the fact that he has done an excellent thing. The Senate should ratify the protocol without delay.

Backstage in Washington

WASHINGTON, D. C.

WE MARVEL at the ease with which Messrs. Longworth, Snell and Tilson have learned the lessons the electorate gave them at the polls on November 4. Bourbons these three Republican bosses of the House may be, but it cannot be said of them that they never learn. The morose Mr. Snell, himself a proprietor of a water power plant in northern New York, has, after a decade of blocking a ballot on all proposals for public ownership and operation of Muscle Shoals, agreed that the people's representatives may express themselves. Mr. Tilson, though personally and politically a wet, is finding words with which to intimate that maybe the dry laws ought to be repealed or modified. But it is "Nick" himself, chastened by a narrow escape from defeat in his gerrymandered district of such traditional G.O.P. worshippers as Germans and Negroes, who has furnished the real surprise.

For more years than we can remember Mr. Longworth has been sheltering "lame ducks" under his wing. He alone, to our mind, has been responsible for the refusal of the House leadership to permit that body to pass on George W. Norris's "lame duck" amendment. Even though this proposed constitutional change got through the Senate three times, Mr. Longworth never let such a little thing as that interfere with his legislative program. But now, at a session which will be graced by more varieties of political poultry than we have seen in ten years, he concedes that perhaps this recognition of the right of the people's voice to be heard at once instead of thirteen months after they have spoken ought to be made.

The Speaker, in his present subdued mood, even ventures the thought that he himself might support the Norris proposal, provided a definite date for termination of the session beginning after Election Day is fixed. We understand that he has not yet given expression to

such heresy in public, but he probably will soon. We would not be surprised at anything now.

We do not mean to suggest that these three gentlemen have accepted *in toto* the theory on which representative government is based. They are not, to our mind, moved half so much by the popular mandate as they are by a natural but selfish desire to hold on to their present posts of supremacy in the House. In fact, we understand that Mr. Longworth



Washington Star

Let George do it!

has already held secret conferences with such historic party outcasts as Representatives Fiorello H. La Guardia of New York, John Nelson of Wisconsin and young Paul Kvale of Minnesota, the Farmer-Labor member, and promised them anything from his gavel to the Capitol Dome. To the Speaker's credit, it may be said that he can extend the olive branch—or rather, the tree itself—without demeaning himself, since he has kept their friendship even during their days of exile from councils and committees. The volcanic La Guardia, we hear, is one of the polished and aristocratic Longworth's closest friends and most spirited admirers. So it should not be held too seriously

against "Nick" that he stooped to win the support of three men who have it in their power to make "Jack" Garner the Speaker instead of the husband of Alice. Moreover, "Nick" stooped over so far that he concealed the wink in his eye. He, of course, knows, as do the saturnine Snell and the trailing Tilson, that any really radical measures which may get through the House will be vetoed by President Hoover.

So, "lame duck" amendment or no "lame duck" amendment, the people's voice will, for a while at least, exist as only an echo.

On the Senate side everybody is careening around in circles, and the scene is one of confusion. The Democrats, including Connally of Texas, Harrison of Mississippi, Black of Alabama and most of their fellows from the South, are sore at their leader, "Joe" Robinson of Alabama, for signing the seven-man agreement promising cooperation with the Administration. Personal differences, and, we suspect, some jealousy over the problem of selecting a floor leader, are keeping the Progressives apart and dissipating their strength. On the surface there is friendliness between Republican members and Mr. Hoover, but the undercurrent of disagreement between the Chief Executive and such partisans as Watson of Indiana, Moses of New Hampshire, Johnson of California and even Deneen of Illinois is more violent than ever before; it threatens to spread to the "Young Guard" that once dedicated itself to saving the President from his "friends" on Capitol Hill.

Most unhappy of all seems to be Senator Fess, whose days as National Chairman are numbered. He would have gone long ago except for the fuss over his post-election praise of prohibition. Now Mr. Hoover cannot let him out without antagonizing those who think the schoolmaster speaks with the authority of Mr. Sinai. We understand he was told to forego statements committing the G.O.P. to the dry cause, and, so we hear, it was "Jim" West, the national committee's paid publicity man, who carried the news. At first, we are told, the indignant Fess declined to take such an order from a "hireling," but we notice he has muzzled his typewriter. And the more silent he remains, the sooner he will go.

A. F. C.

⇒ Football as a Vocation ⇐

By CHRISTIAN K. CAGLE

THIS subject of our athletes who refuse to "stay put" seems to be very delicate these days. When such august agencies as the Carnegie Foundation, the Army Inspector-General's office, and last and probably least, the Congress of the United States, see fit to bring their massive powers to bear upon it, it scarcely behooves an ordinary mortal to rush in behind them.

That football, as it exists in our major universities today, has become pretty much of a system, no one can deny. Whether or not the system is good, or even as beneficial to all concerned as human nature will allow, is largely a matter of opinion. The statement, usually attributed to George Owen of Harvard, that football is nothing but a back-breaking grind for the modern college player, is not wholly true. I have known very few men in my experience with high school and college football who did not enjoy it. Those few, without exception, stayed in it for purely economic reasons. Even if they didn't like it, it was a job for them.

There are, of course, a number of very unpleasant things in connection with the game. No one enjoys the long, perspiring hours of practice, or particularly likes the deprivations of whatever training he may be forced to do. But the game itself is the greatest sport in the world and I believe that the American public is doing its youth a grave injustice by becoming unduly excited over the present state of affairs.

Some authorities believe, and say, that there is no reason for the existence of a "state of affairs"—that it is a sport and should be treated as such—that the question of money should never have any bearing, and that the rules of eligibility should be few and those few rigidly enforced. It's a beautiful prospect. When a good football team fails to clear at least \$200,000 annually for the school which sponsors it, then the idea of making it a sport for sport's sake may possibly work. Organized baseball is, politely speaking, a sport; but no one throws up his hands in horror when Babe Ruth signs a contract for a yearly salary greater than Hoover's or when Chicago trades the mighty Shires to Washington for a catcher. But the football player is supposed to play for the love he bears his dear old Alma Mater and if any prying soul happens to discover that the mater occasionally shows

her gratitude for the fortune which the player and his brethren are making for her, by a slight—and I might say, in most instances, a very meagre—material assistance, a howl goes up that can be heard in Tibet. No less of a disturbance is kicked up if it is learned instead that the boy under investigation has seen fit to transfer his allegiance to another Alma Mater, and has endeavored to show this most recent affiliation his affection and loyalty by playing a little more football for her.

This public attitude, whether misguided or not, made it necessary in the past for a number of athletes, not only football players but others fairly expert in their particular lines, to change their identities as fast as their addresses. Some have been considerably embarrassed, in post-college days, by difficulty in attempting to single out and establish their own names and then stick to them. It is true that such practices

ural super-coordination of mind and muscle makes him a star immediately and his coach, realizing that he has a "find," bends every effort toward making him a greater one so that he as the finder may profit by a bit of reflected glory. A larger school learns of him and advances flattering promises of everything from social prominence (which, in this first proposition, usually consists of a large and unnecessary promise to the effect that, "anything you see that you want to step with, just slip us the word and we'll fix it up") to any number of forms of economic advantages. The last consists ordinarily of some help in getting a good job which will make it possible for him to attend the new school. It may or may not entail some actual labor. Neither he nor the boys of his own age who approach him have any sense of guilt. It might be very difficult or even impossible for him to make the change otherwise. Every one concerned feels that he should not be called upon to make any sacrifice to become a member of the new team. Therefore, he takes his job and goes on up the ladder.

He has stepped into a considerably faster field of competition, but he is steadily developing. Better coaching and playing conditions allow him to maintain his place head and shoulders above his associates and opponents. He succeeds. That at least is the way he is beginning to regard it. Not that he has been luckily endowed with a more active body merely, but that he was born with a bit of athletic genius. This idea may not stay with him long but, coupled with the adulation which he receives and will receive for years if his legs stand by him, it is the basis for his honest opinion in later years—that he has an ability which is the possession of only a favored few and that he would be a fool not to "cash in" on it. And who can blame him? There are, certainly, cases like that of the present baseball captain at Harvard who refused a major league offer. If our hypothetical star has enough money to enable him to do as he pleases he will probably do the same thing. But if he is not so fortunate he would be hardly human if he tried to struggle his way through in some other fashion when there are any number of prosperous alumni of one college or another only too willing to smooth the way for him in return for his play-



Underwood

CHRIS CAGLE

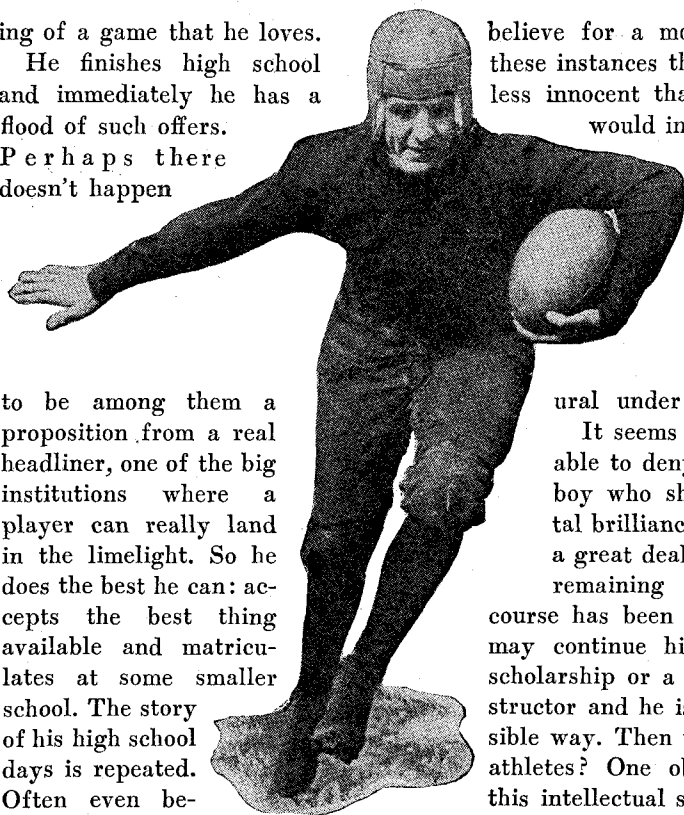
were prevalent to a degree that is, of course, impossible to determine, and have now, along with other vicious appendages, almost wholly, although I dare say not completely, disappeared.

Take the case of a football player today who achieves All-American prominence. Usually he begins his athletic career in some small high school. A nat-

ing of a game that he loves.

He finishes high school and immediately he has a flood of such offers. Perhaps there doesn't happen

to be among them a proposition from a real headliner, one of the big institutions where a player can really land in the limelight. So he does the best he can: accepts the best thing available and matriculates at some smaller school. The story of his high school days is repeated. Often even before he represents the school in actual competition he is spotted as one of the "immortals." Sometimes it is after he has completed his allowable amount of playing that he satisfies himself that, in better circumstances, he could have gone much farther. He is still young; he has just begun to master a game which seems to be the absorbing passion of countless thousands of fans during three months of the year. It is not surprising that he thinks it a misfortune to stop in mid-career, as it seems to him he is doing. So, when he has an opportunity to go on to attain the heights of success which he feels are his due he allows the end to justify the means, in his own eyes, and he jumps at the chance. He does not always get away with it, of course. There was the case of Mayes McLain's brief sojourn at the much-maligned University of Iowa. I can also remember vividly the history of one of the great halfbacks, Bruce Caldwell, who started at Brown but left in his freshman year to enter Yale. What his reason for the change may have been I have no idea. At any rate, his last season in the Bowl was easily his best. You remember what he did to the Army that year. It was suddenly cut short with nearly all his big games left to play when some officious soul discovered the gruesome fact that he had participated in a contest of the Brown freshman eleven before coming to Yale. I do not mean to imply that I



Wide World
RED GRANGE

believe for a moment that in any of these instances the men concerned were less innocent than the published facts would indicate. If I did believe it I should never dare say it, anyway. But they did want to keep on playing and they wanted to play at the top of the heap. Is there any ambition more natural under these circumstances?

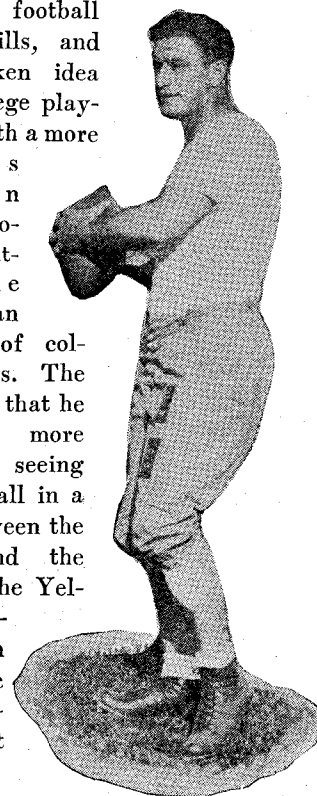
It seems hardly fair or reasonable to deny such an ambition. A boy who shows exceptional mental brilliance finds that he can get a great deal of assistance towards remaining in school, after his course has been completed, so that he may continue his studies. He gets a scholarship or a job as a graduate instructor and he is helped in every possible way. Then why not post-graduate athletes? One objection may be that this intellectual specialty is a life work and, therefore, is much more important than merely playing a game. That may be true. Suppose that this chosen profession is one of the arts; music or the drama. Both are certainly honorable vocations. But, from a layman's logical viewpoint, is either one any more important than good football? That argument is not as insane as it sounds. Any company of actors or singers, no matter how great, strives to hold and please its audience. Yet how many music-lovers would listen to the Metropolitan Opera Company present Carmen if they were forced to wrap themselves in layers of blankets to keep from freezing? Ninety thousand persons did just that at the Notre Dame-Army game in New York last fall. Many of them paid speculators' prices for seats and then braved an Arctic wind to see the game. Has any company of artists ever drawn a hundred thousand paid admissions in one audience? Two football teams, representing any of perhaps two dozen institutions, can do it on almost any autumn Saturday.

If any one may be inclined to doubt that these athletes take their "professions" that seriously, I can only beg the privilege of referring again to that Irish-Army game in New York. Evidently the spectators are fairly enthusiastic about football whether they are serious or not. How can players fail to be serious about a game which arouses that sort of feeling on the part of its fans? Granted that half the attraction

or, more exactly, the attraction for half the people who go to big football games lies in the atmosphere created for them. The colors of the great crowd, the immensity of the modern stadium, and the legends built up by sports writers around the names of the stars of the day, all tend to create a spectacle that has an allurements apart from the game itself. But, does not a good playwright count his task half complete when he has created the atmosphere which he desires?

Naturally, the next vociferous objection is that such a custom, if countenancing post-graduate extensions of playing time for football players, would result in our college sports being dominated entirely by a few super-athletes. My only answer to any modern Rip Van Winkle who makes that objection is:—When have not college sports been so dominated, and how can it be otherwise? If a college, carrying the names of one or two or ten thousand men on its roster chooses to be represented on the football field by one team of eleven men plus a few substitutes, then football in that school can be considered as dominated by a few.

It may be suggested that a college star, when his college career is finished, can play professional football if he wishes to make the most of his ability. The answer to that is simple and easy to find. It is the fanfare and ballyhoo of college football which thrills, and the mistaken idea that a college player plays with a more reckless abandon than a professional attracts the non-partisan spectator of college games. The star knows that he is usually more certain of seeing good football in a match between the Giants and the Bears or the Yellow Jack-ets than in the average college contest; but



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Wide World
BENNY FRIEDMAN

►► The Rise of a Racketeer ◀◀

A Portrait of Alphonse Capone

By LEWIS W. HUNT

ALPHONSE CAPONE of Cook County, Illinois, and Palm Island, Florida, managing director of a spot cash enterprise with a gross income up to six million dollars a week, began his career as a "watch boy" in a bawdy house. His duties were to mind the peephole at times when the police administration was undergoing reform, to seek patrons along the sidewalk when the police were complacent and to run errands for the inmates.

He was one of the best ever trusted with the latch of an illicit portal. He was youthful, barely twenty years old, alert and ambitious; he was six feet tall and he weighed 200 pounds. By the time he was old enough to vote—which he is said to have done a good many times every election when vice control was at issue—he had been advanced to management of the redlight syndicate's most profitable brothel, "The Four Deuces."

Although technically the manager was of the grade of "madame," Capone ran the place with mannish ideas. One of the earliest notices of him taken by police was a paragraph in a gazetteer of gangsters stating that women in his resort had described him as given to the use of fists and revolver in getting his way.

Nowadays, when the Capone legend presents a picture of a soft-spoken big executive type, it distresses him to be reminded of his

Anti-racketeer drives are being organized in New York, Chicago and other large American cities against those invisible empires of the lawless who have not only preyed upon legitimate business but have also organized their own illegitimate enterprises upon colossal scale and wholly without the law. The malicious influence of these lawless enterprises upon American life may be measured in part by a study of the known facts of the life of Alphonse Capone, king of rackets, whose imperial rule in gangland has become so widespread that he now proposes deals and compromises with the forces of law and order, as described in this article.

stantial toecaps. Capone, by the way, always has been bothered about his name. "Scarface" is only a newspaper term. No one near him dares use it. His associates call him "The Big Fellow" or "The Fellow." For a time he tried to be known as "Al Brown," but could not get that name accepted.

Lately he has settled on Alphonse Capone, the surname pronounced as two syllables.

As "watch boy" and manager of "The Four Deuces," Capone belonged in the vice organization built up by "Big Jim" Colosimo, one-time railway labor *padrone*, who knew of ways of white slave commerce on the one hand and policemen and politicians on the other. His first mate was Johnny Torrio, a former member of the New York Five Points gang, in which Capone, who was

born in Brooklyn, had a short service. Torrio had brought Capone to Chicago at a time when Colosimo, threatened and blackmailed by a band coveting his wealth and control of the First Ward Italian vote, felt the need of a household guard. Torrio's sponsorship helped

the young newcomer, and when Colosimo was murdered mysteriously in his Wabash Avenue café in May, 1920, Capone was in high position. How the killers got to Colosimo through his body-guard still is a mystery in police records. As good theory as any is that attributing the plot to Guards Torrio and Capone.

At any rate, Colosimo was gone and Torrio and Capone were powerful enough to take over his vice scheme, police arrangements and all, order the lesser syndicate executives into line and look ahead for broader opportunities. Prohibition was new. Only minor, one-track efforts to cheat it had been made

by the underworld. Torrio was first to see the bootleg beer field in full scale. He bought several idle breweries and built up a burly personnel by selecting the fittest of the Colosimo crew and adding picked gunmen and thugs. Among the new recruits were some who later played principal parts in the Capone drama. There were Dion O'Banion, who had been choir boy, singing waiter, slugger and safecracker; "Little Hymie" Weiss and Vincent Drucci, "The Schemer"; Samuel ("Nails") Morton, who had come out of the War a first lieutenant decorated for bravery, and whose death was fittingly mourned when the gang bought and shot the livery saddle horse that had thrown and killed him.

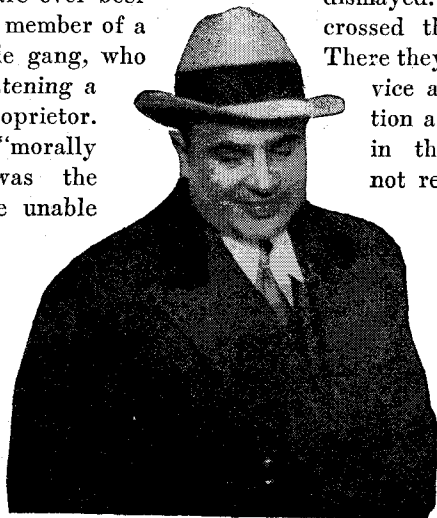
THROUGH the early period of the big beer business Torrio was the planner and organizer. He directed operations at the breweries and made the arrangements that permitted the beer trucks to travel the streets unhindered by police. He subdivided the city, with a subaltern in charge of each district. O'Banion, for example, with Weiss, Drucci and a reckless pack of toughs, got the rich province just north of the river. Capone was field chief as well as Torrio's principal aid at headquarters. He disciplined the beer customers and kept members of the gang in their places. He and Torrio were a capable pair, but presently the syndicate's income became so great—compared with it the old vice profits were



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only a trickle—that greedy subordinates here and there broke away and started running in beer of their own, without accounting to the head office.

The first of more than 250 men killed in seven years' warfare over beer was Jerry O'Connor, member of a secessionist south side gang, who was shot while threatening a Torrio speakeasy proprietor. Police said they were "morally certain" Capone was the killer, but they were unable to prove it. Shortly two other beer runners, who had hinted they knew about the O'Connor murder, were killed. Except that they were the first instances of bloodshed in a new and spectacularly wealthy era of or-



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ganized outlawry, these murders had lasting importance only as indicating the progress of Capone. Throughout the beer wars murders have been of one grade or another according to their effect on gang alignments and affairs of local government. Most of them have been snipings in petty vengeance, routine matters in a big scale operation based on law violation and conducted with such distrust that "no checks" is the watchword.

Every now and then, however, there has been a major disturbance such as the killings of O'Banion, with its far-reaching reprisals, and Assistant State's Attorney William H. McSwiggin, followed by prolonged, futile grand jury investigations; the St. Valentine's massacre of seven men; the murder of Alfred J. Lingle, *Chicago Tribune* reporter, which brought a new police administration and vigilante organizations of business men.

IN THOSE first two or three years with Torrio, Capone got the reputation of a killer, which later was to be replaced with the popular notion that he executed only by proxy, naming his man and sending paid murder specialists to do the deed. Certainly he advanced from one stage to the other to a noticeable extent when he and Torrio moved their headquarters into Cicero, a separate municipality which geographically is part of the west side of Chicago. That was when Cicero, a law-abiding town on the whole but with an unscrupulous gang in control of government, began to get its evil reputation.

William E. Dever had just been elected mayor of Chicago, succeeding William Hale Thompson, and law enforcement had been proclaimed. "The heat was on," Torrio, however, was not dismayed. He took Capone and crossed the street into Cicero. There they found a field for beer, vice and gambling exploitation as rich as they had had in the city. Reform had not reached Cicero or Cook

County offices. Besides Cicero, the gangsters colonized several neighboring suburbs—they took over one hamlet so completely it was known informally as "Caponeville"—and before long roistering custom came their way

from every point of the compass.

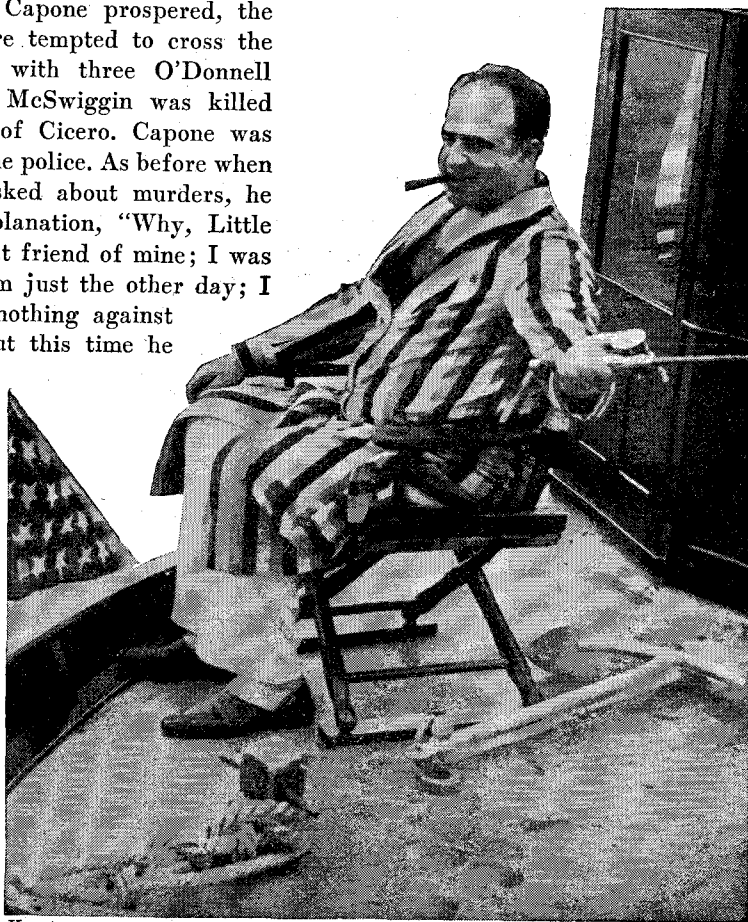
Not all the Chicago organization was taken into Cicero. O'Banion's "North Side Mob" and some other district bands that had shown insurgent urge were left to dodge the Dever police as best they could. One of these was the "West Side" O'Donnells. They had a beer territory just inside the city from Cicero, and as Torrio and Capone prospered, the O'Donnells were tempted to cross the street. It was with three O'Donnell gangsters that McSwiggin was killed on the border of Cicero. Capone was questioned by the police. As before when he had been asked about murders, he had a glib explanation, "Why, Little Mac was a great friend of mine; I was talking with him just the other day; I wouldn't have nothing against Little Mac," but this time he felt justified also in berating the police, "They're just trying to make a rep for themselves, picking me up all the time; why don't they go out and catch some crooks?"

McSwiggin's murder never has been explained. It seemed obvious that the

hoodlums with him were killed because of poaching on Capone preserves. Perhaps it was only chance that the young prosecutor was with them for an evening's beer drinking when the machine gunners caught them. Perhaps McSwiggin had some secret gang partnership. One special grand jury after another sat on the case, but the inquiry wandered off into bypaths of crime in general and finally expired.

IN THE killing of O'Banion, which preceded the McSwiggin murder, the motive was plain. He had threatened to run Capone out of Cicero and, with a numerous, nervy following, had become a real menace. Although police were unable to catch the killers, gangster gossip named them. They were Frankie Uale, a ruthless, swift-striking gunman from New York, and John Scalice and Albert Anselmi, the terrors of the Torrio-Capone killer band. All three are dead now.

Scarcely had O'Banion been buried in his costly coffin when an attempt was made to kill Capone. Gunmen in a closed car overtook his limousine early one morning, crowded it to the curb and raked it with bullets from windshield to spare tire. It was Capone luck that he was not in it. His chauffeur was using



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it to take home two waiters who had served at a party in his south side home, where he lived with his wife and little boy, his mother, sister and a younger brother. The driver was seriously wounded; the waiters, who had heard angry gunfire before, saved themselves by a quick flop to the floor. It was the first time Capone had been hunted. He promptly got a new car with bullet-proof body and then called "Bugs" Moran, Weiss, Drucci and other "northsiders" to a downtown hotel and, so he recounted later, told them to stop shooting.

"These fellows had forgotten who gave them their chance and put them in the business," he said. "They began thinking they were bigger than we were. O'Banion had been killed and they began acting nasty. Finally we had to talk to them. On a Monday night we had a meeting and told them to stay in their own yard and behave themselves or we'd have to scold them. They told us they'd quit what they were doing. On Saturday afternoon they shot Torrio in his car beside his wife."

Torrio, severely wounded by shotgun slugs, was utterly terrified. When he got out of hospital he surrendered to the federal government on an old prohibition conviction and went to jail for safety's sake. But first he took Capone to the city and county offices where he had arrangements and introduced him.

"Capone is my man," he said. "Do for him what you have been doing for me, and what I have been doing for you he will do."

WHEN Torrio got out of jail he took his family and went to Europe. He was reported to have had at least a million dollars in currency and good securities in his suitcase. Torrio's retirement was the same "break" for Capone that Colosimo's death was for Torrio. Capone was ready for the rôle of "The Big Fellow." He had been developing his own interests shrewdly while supposed to be devoting his energies to Torrio. Even before Torrio retreated Capone had more power among their followers. For one thing Torrio was tight-fisted while Capone was liberal, always ready to help a needy hoodlum, to toss away "ten grand" in a friendly gangster's gambling house or to bet as much on a marathon dance team for the amusement of his henchmen. If Torrio had not withdrawn, it is a question whether he could have held his own for long against his oncoming protégé.

One of Capone's first moves after inheriting the throne was to call the hostiles to another parley, which also he has told of in his occasional oral memoirs.

"I talked to 'Hymie' Weiss and the others, saying, 'What do you want to do—die before you're thirty? I don't.' I told them I had a son I loved dearly. I tried to make them think of their mothers and sisters. I tried to make them put up their guns and treat their business like any other man treats his, as something to work at and then forget when he goes home at night. We started over. We kept our bargain, but they broke theirs."

Whoever broke the bargain, one of the first signs of ruptured peace was a bold attempt to kill Weiss and Drucci in Michigan Boulevard one day just before noon. Two weeks later machine gunners in a dozen curtained automobiles rolled past Capone headquarters in Cicero and sprayed the block. A woman shopper was hit in the eye and her little boy wounded in the scalp, thirty-five automobiles parked at the curb were ripped and dented and store windows scattered in fragments. Capone was safe in a rear chamber. Again "The Big Fellow" declared an armistice and called his north side enemies to meet him downtown. But this time there was no peace. The Morans demanded the heads of the two who had shot at Weiss and Drucci and named them as Scalice and Anselmi. Capone, for once sticking with his friends, refused. Not long afterward "Little Hymie" was killed as he rode in an automobile with two fellow hoodlums and a gang attorney.

Capone, of course, was named by the police as responsible for at least the staff work in that murder, but, said Chief Morgan A. Collins, "He'll have an alibi and there's no use bringing him in until we have direct evidence," and that stage never was reached. The excitement waned, there was a period of peace in gangland and then, the following spring, 1927, Thompson came back as mayor of Chicago, elected on promises not only to bar British influences from the city, but also to make it a haven of personal liberty in a broad-minded way. Capone, again the child of opportunity, returned from Cicero with great plans.

His program contemplated complete and detailed organization of liquor, gambling and vice privileges in the city, with all the hostile gangsters brought in on a cooperative basis. A powerful

ally was Tony Lombardo, who had succeeded Mike Merlo as head of the *Unione Siciliana* following the murders of two competitors for the post. Lombardo had the power to dispose of great quantities of corn sugar and wine grapes through his fraternity, a commerce of illicit cast that meant millions in revenue if properly controlled. Lombardo needed a lieutenant and he took in Joseph Aiello, former partner in an olive oil and cheese business. Aiello brought along his four brothers. The followers of O'Banion and Weiss, now led by "Bugs" Moran and joined by the wily Jack Zuta, were invited to forget and forgive and join the prosperity parade.

The former "watch boy" was on the heights. He was twenty-seven years old and a thorough success, according to his lights. Far away was the "Boxcar Tony" of the big yellow shoes. He had learned good taste of expensive tailors, which was a sign of a fast developing ambition to reach above the gangster level. He went in for gentlemen's sports, north woods shooting, golf and that sort of thing. But most noteworthy, he put himself through a mental process that gave him the viewpoint of a misunderstood public benefactor. He expressed himself in a newspaper interview given early in December, 1927.

"I've spent the best years of my life, giving people the light pleasures, helping them have a good time," he said. "And all I get is abuse—the existence of a hunted man. Well, tell the folks I'm going away now. I guess there won't be any more murders. There won't be any more booze. You won't be able to find a crap game, let alone roulette or faro. I guess they won't need those 3,000 extra cops after all. Public service is my motto. Ninety-nine per cent of the people in Chicago drink. I've tried to serve them decent liquor and square games. But it's no use. I'm going."

He said he was going to Florida, but a week later he popped up in Los Angeles with his wife and two bodyguards, all turned out like wealthy tourists. They were just settling down in an exclusive hotel when the police learned who they were and ordered them out of town. Capone said a word about it as they boarded an extra fare train for Chicago, "I had paid my bills and acted like a gentleman."

Although he failed as a gentleman in California, he tried it again in Florida, with more determination. He bought an expensive home, with spacious grounds,

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►► Enforcement Invokes State Aid ◀◀

By CHARLES MERZ

IN ITS first report in January, 1930, the Wickersham commission described the problem of enforcing prohibition in the United States as a question of reconciling wide "divergences of attitude in different sections" of the country and dealing effectively with "a staggering number of focal points of infection." If the commission failed to amplify this comment, and thereby to suggest the type of machinery which might be expected to enforce the law, there were reports available from other official sources which cast some light upon these cryptic statements.

Unquestionably the commonest focal point of infection in 1930 was the illicit still. Other sources of supply continued to feed the traffic in intoxicating liquor. Smuggling was still a serious enough problem for the Secretary of the Treasury to propose in January, 1930, simultaneously with publication of the Wickersham report, that a military guard be mounted on the Canadian frontier and the whole border closed to travel "except at points of entry designated by the President¹." Industrial alcohol was enough of a problem for the Prohibition Bureau to report that lack of power to compel holders of permits to open their books "makes it almost a superhuman task to detect them in violations²." On the whole, however, industrial alcohol and smuggled liquor were now definitely minor problems. It was the illicit still which had unmistakably become the chief problem of enforcement.

As early as 1926 Congress and the Coolidge Administration had been warned that such a development was altogether likely. Testifying before a committee of the Senate at that time, General Lincoln C. Andrews had described illicit stills as the one infallible source of production: "Where you cut off a source of supply of another nature, the moonshine wells up to fill the gap The old law of supply and demand carries in the case of bootleg liquor the same as in the case of any other merchandise³."

Subsequent events had borne out the accuracy of this prediction. During the latter half of 1926 and throughout 1927 the problem of the illicit still steadily

The admission of the Hoover Administration that the federal government was not equipped to deal with private stills as a source of supply of illegal liquor again put the problem of enforcement squarely up to the states. In the eleventh chapter of "The Dry Decade," Mr. Merz discusses the legal and moral obligations of the states to enforce prohibition.

assumed a place of more importance in the government's communiqués. In 1928 Dr. James M. Doran, by this time in charge of the Prohibition Bureau, described illicit distilling as "the major problem of enforcement⁴." In 1929 officials of the Bureau reported that 35,200 stills and distilleries had been seized during the previous year, together with twenty-six million gallons of mash, and suggested that "any estimate as to what percentage of all illicit stills in operation is represented by the number seized would be sheer conjecture⁵."

By this time, approximately the time when the Hoover Administration entered office, the flow of liquor from illicit stills was in full swing and during Mr. Hoover's first year nothing stopped it. On the contrary, the Prohibition Bureau reported that the production of distilled liquor steadily expanded. "There seems to be a constant growth in this production in the most modern type of plants," said the Commissioner of Prohibition at the end of the first year of the new Administration. "The use of corn sugar in the illicit manufacture of alcohol is causing us grave concern⁶."

Production of corn sugar had increased from 152,000,000 pounds in 1921 to 960,000,000 pounds in 1929. There was no way of explaining this enormous increase, in the opinion of the Prohibition Bureau, except on the theory that the great bulk of it had gone into manufacture of illicit liquor. "For every gallon of industrial alcohol diverted," said Dr. Doran in January, 1930, "there are at least seven or eight

gallons of high-proof alcohol produced illicitly from corn sugar and put on the bootleg market in the form of alcohol, gin and alleged imported whisky. The corn sugar racket now surpasses all others in the field of operation of the bootlegger⁷."

During the same year which the Wickersham commission devoted to a study of ways of handling minor violations in the courts, Dr. Doran's agents seized 27,336 stills, of which 3,434 were "not small pot stills, but big columns, costing anywhere from \$5,000 to \$50,000 to build," constructed by expert chemists and capable in some cases of producing from 500 to 2,000 gallons of alcohol a day⁸.

One indication of the importance which this problem had now assumed is apparent in the fact that three hundred stills with a capacity of 2,000 gallons could produce more hard liquor than the United States consumed before the adoption of the Eighteenth Amendment.

THERE were various reasons, all easily identified, why illicit stills should have come to the front in these later years as the chief problem in enforcement. In the first place, this method of production was relatively simple, since it involved no effort to divert industrial alcohol from manufacturers who were under bond, but merely required the purchase of a common article in the open market. In the second place, it was relatively safe, particularly when it used corn sugar, since the distillation of alcohol from corn sugar produced almost no odor and left no mash. In the third place, it was highly economical, since a hundred pounds of corn sugar could be purchased in the market for five dollars. In the fourth place, as Dr. Doran pointed out, alcohol produced in this manner in a modern plant was "of the highest type and as good as that manufactured legally⁹."

It is not strange that in these circumstances corn sugar distillation should have prospered. The very advantages of this method, from the point of view of the bootlegger, constituted its difficulties from the point of view of the enforcement agent. Using a product readily obtainable and not easily detected when it was put to an illicit use, the

1. Report to the President, *New York Times*, January 14, 1930.

2. *Industrial Alcohol*, United States Treasury Department, 1930, p. 25.

3. *Hearings of a subcommittee of the Senate Committee on the Judiciary*, 69th Congress, 1st Session, p. 449.

4. *New York Times*, December 27, 1928.

5. *New York Times*, January 5, 1929.

6. *New York Times*, January 10, 1930.

7. *New York Times*, January 18, 1930.

8. *New York Times*, January 10 and 23, 1930.

9. *New York Times*, January 10, 1930.

bootlegger could manufacture a high standard of alcohol at an exceedingly low cost for sale in a market which was prepared to pay high prices. The risks involved in this enterprise were negligible. Its profits were enormous.

It was the clearest result of this development in the economics of an illegal liquor traffic that it definitely put an end to the theory that the law could be enforced with a compact staff of a few thousand men in Washington and a modest amount of assistance from the states. The problem of illicit stills was not localized in one section of the country or confined to a relatively small number of states. It was a problem as broad as the country itself and as limitless as its three million square miles of territory. To expect the federal government to solve this problem with the staff of 2,300 enforcement agents which the Wickersham commission counted for the President in January, 1930, would have been to expect the impossible. If these agents had done nothing but search the country for illicit stills, each agent would have had 1316 square miles of territory to police, twenty-four hours of the day and night. Meantime, to expect the states to solve the problem as a mere by-product of the administration of ordinary local laws would have been to overestimate the strength of state enforcement agencies.

For while the states had many more police officers than the federal government—a total of approximately 175,000 marshals, constables, sheriffs and policemen in 1930¹⁰—the responsibilities of these officers included the enforcement not of one law but of many laws. An increasingly large part of the police force of every city was assigned exclusively to the enforcement of traffic regulations. No contribution to the effort of the federal government could reasonably have been expected of these officers. It was idle to suppose that a policeman on duty at a street corner from eight in the morning until six at night could help enforce the Volstead Act. There were other policemen, constables and sheriffs not so narrowly restricted in their movements. These officers, however, were not local prohibition agents. They were general officers of the law, charged

with the execution of a thousand duties which varied from the protection of jewelry stores against night robbery to the policing of crowds at baseball games and the prevention of thefts of motor cars to the service of warrants on citizens who failed to pay their paving bills.

The states and municipalities were frugal in their law enforcement. They had never chosen to employ more officers than they could use. They had chosen, instead, to starve their police departments in the interest of low taxes. In these circumstances, there were few peace officers who found themselves at liberty to give their whole time to detecting violations of the Eighteenth Amendment. It was obviously true in many cases that local police officers discovered violations of the Eighteenth Amendment only when they stumbled upon such violations in pursuance of other duties.

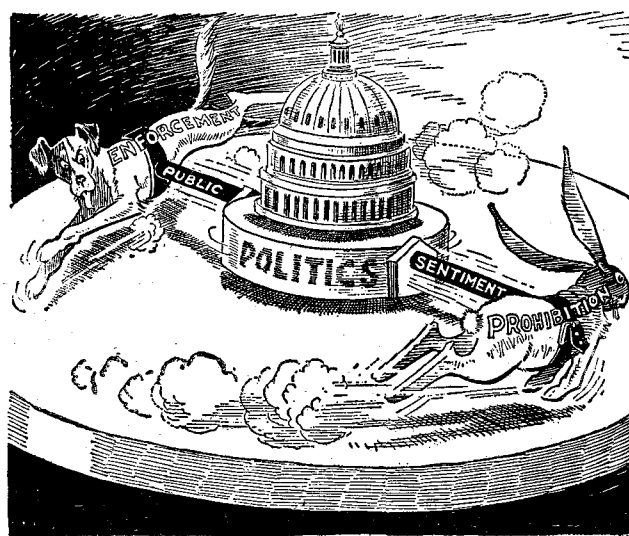
There was one way, and in reality only one way, to make an effective search of three million square miles of territory in order to detect and to destroy illicit stills which might lurk in any tenement basement or any deserted strip of countryside. That way was to organize a force of federal or state police specifically devoted to this ambitious task and adequate enough in personnel to offer reasonable hope of its accomplishment.

It had always been the theory of the federal government that responsi-

that by the end of 1929 it had arrested a total of 550,307 people¹¹. These arrests, however, admittedly apprehended only a small fraction of those who were guilty of violating the law. "We do not begin to arrest all that are guilty," General Andrews told a committee of the Senate in 1926. "We can not¹²." The federal government had always been involved in a certain amount of local police work, but never deeply enough involved to enforce the law effectively. Such responsibilities as it had accepted in this field, it was plainly reluctant to expand.

There were two chief reasons for this reluctance. In the first place, various spokesmen of the government had long insisted that a policy of too active interference from Washington in the police work of the states would be certain to result in confusion and resentment. "I venture to say," wrote President Harding in 1923, "that if by reason of the refusal or failure of any state to discharge its proper duty in such connection, the federal government is at length compelled to enter upon the territory and jurisdiction of the state and to set up those police and judicial authorities which would be required, the most difficult and trying situations would inevitably arise: More or less conflict between state and federal authorities would seem unavoidable in such circumstances¹³."

In the second place, any such activity would be certain, as Mr. Harding also pointed out¹⁴, to involve the federal government in enormous expense inevitably requiring the imposition of new taxes. How large an item this expense would be, Mr. Harding did not attempt to estimate. Five years later, testifying before a committee of the House of Representatives, the Federal Commissioner of Prohibition set the figure at \$300,000,000¹⁵. This would have multiplied the appropriation of the Prohibition Bureau approximately by twenty and increased its staff accordingly. Even with this vastly increased expenditure, however, there would have been no slack in the enforcement



THEY DON'T SEEM TO BE GETTING ANY CLOSER
A cartoon in the Philadelphia Record early in 1930 indicates the trend of public opinion in many quarters

bility for local enforcement of the Volstead Act properly rested on the states. The federal government, to be sure, had conducted an enormous number of local raids. It had conducted so many raids

10. Assistant Attorney General Youngquist, *New York Times*, August 29, 1930.

11. *Statistics Concerning Intoxicating Liquors*, United States Treasury Department, 1930, p. 64.

12. *Hearings of a subcommittee of the Senate Committee on the Judiciary*, 69th Congress, 1st Session, p. 57.

13. *New York Times*, May 17, 1923.

14. Address at Denver, June 25, 1923.

15. Testimony before the House Committee on Appropriations, December 5, 1928.

service. If the purpose of giving the Prohibition Bureau \$300,000,000 was to enable it to make a serious effort to solve what had now become its major problem, the problem of searching the country for illicit stills, each enforcement agent would still have been left with sixty-six square miles to cover.

In these circumstances, reluctant to accept either the heavy cost of an adventure with a federal police force or the political consequences which such an adventure might entail, the federal government had insisted from the outset that its own responsibilities were limited and that the duty of supplying an effective staff of agents for local police work was clearly imposed on the states by that clause in the Eighteenth Amendment which gave the states "concurrent power to enforce."

On this point, however, the government encountered no unanimity of opinion. There were, and had been for some years, two sharply different theories concerning the meaning of "concurrent power."

According to the first of these two theories, the concurrent clause in the Eighteenth Amendment had given the federal government and the states coequal power. It had therefore made the states coequal partners of the federal government and invested them with coequal responsibility for enforcement of the law, both legally and morally.

This theory of state responsibility was argued at length on many occasions by many friends of prohibition, notably by Mr. Wheeler and Mr. McAdoo, but argued by no one with more persistence and more vigor than by Senator Borah.

To Mr. Borah it seemed unmistakably clear that the concurrent clause imposed upon the states a duty which they could not dodge with honor. "Under this section the obligation laid upon the state within its jurisdiction is no different and no less than that laid upon Congress or the federal government. . . . The Constitution of the United States affirmatively prohibits certain things and then authorizes both Congress and the states to enforce the Constitution. If the will of the people means anything, as embodied in the national Constitution, neither Congress nor the states can disregard this command thus embodied in the Constitution. Both are under legal and moral obligation to make the will

of the people as expressed in the Constitution effective¹⁶."

On this point the opinion of the Supreme Court in a celebrated case arising under the Eighteenth Amendment, *United States vs. Lanza*¹⁷, seemed to Mr.

current clause seemed unequivocally clear, the theory did not lack able and aggressive critics. Mr. Borah's interpretation of the concurrent clause was challenged by the Voluntary Committee of Lawyers in New York²⁰. It was challenged by Howard Lee McBain, Ruggles Professor of Law at Columbia University²¹. It was challenged, vigorously and persistently, by Governor Ritchie of Maryland²².

None of these critics of Mr. Borah's theory attempted to dispute the obvious fact that the Eighteenth Amendment imposed the duty of obedience on every citizen of the country, in whatever state he lived. Their quarrel was with Mr. Borah's conception of the duty of the states themselves. Nothing in the Eighteenth Amendment, they insisted, imposed upon the state governments any responsibility, either legal or moral, to assist the federal government in the enforcement of this legislation.

In support of this theory Governor Ritchie cited the same decision of the Supreme Court which Mr. Borah had discussed, the decision in the case of *United States vs. Lanza*. In this case the court had held that "to regard the

Amendment as the source of power of the states to adopt and enforce prohibition measures is to take a partial and erroneous view of the matter." State laws, the Court declared, "derive their force not from this Amendment but from powers originally belonging to the states, preserved to them by the Tenth Amendment and now relieved from the restriction heretofore arising out of the federal Constitution."

In other words, the court had held that the states derived no power from the Eighteenth Amendment except perhaps the power to act upon interstate and foreign liquor, a power which had already been granted to them by act of Congress some years before the Amendment was proposed. "The result is unmistakable and uncontrovertible," insisted Governor Ritchie. "Inasmuch as the states do not derive their power to pass state enforcement laws from the concurrent clause of the Eighteenth Amendment, it follows, of course, that the Eighteenth Amendment imposes no

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20. *New York Times*, December 16, 1929.

21. *Prohibition: Legal and Illegal*, pp. 27-31.

22. E.g., *New York Times*, February 6, 1927; August 15, 1929; August 16, 1929; December 15, 1929.



THE PROHIBITION TREE

"That's not what the seed catalogue said it would be."
The New York World views prohibition's tenth birthday

Borah entirely reassuring. For while the court had held in this case that the state is free to enact prohibition laws, "the court nowhere intimated," insisted Mr. Borah, "that the state is free to disregard the national Constitution and to refuse to enact laws. The state is free to do anything it may choose in harmony with the national Constitution, but it is not free to act contrary to the national Constitution, and it acts contrary to it when it declines or refuses to enact laws to make it effective¹⁸."

In short, "the state is an integral part of the Union, it receives vast privileges under the Constitution and owes an active duty in return. It is bound to be interested in maintaining the federal union. It is bound to be concerned in seeing that the federal union is a going concern and, therefore, interested in supporting and maintaining the Constitution¹⁹."

If this theory of the Eighteenth Amendment was convincing to the friends of prohibition, and if the responsibility of the states under the con-

16. *New York Times*, July 28, 1929.

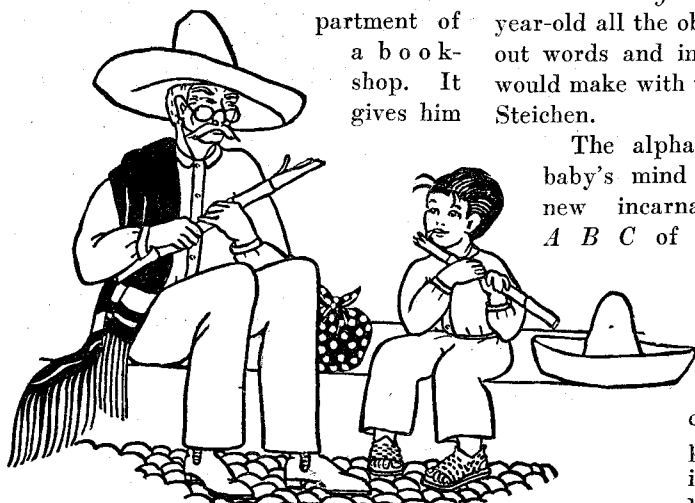
17. 260 U. S. 377 (1922).

18. *New York Times*, July 28, 1929.

19. *Ibid.*

►► A Harvest of Children's Books ◀◀

A PART from considerations of Christmas shopping, there is no trip that a person getting on in life is likely to take to better advantage at this time than a visit to the children's department of a bookshop. It gives him



A drawing in "The Talking Bird" by Idella Purnell and John Weatherwax (Macmillan)

a chance as nothing else can to recharge the batteries of life with emotions—momentary, it may be, but none the less strong—for years forgotten, but now called back on the instant by something in a book, bringing with them a throb of lost happiness—and possibly, as Proust discovered, a scene, a world, thought forever lost. One might, for instance, have given up hope of knowing what it was like to be a baby, but it is possible to recover one of its young ecstasies by opening *A First Picture Book*. This shows without any words at all precisely the objects in the range of an experience of some thirty months photographed by Edward Steichen from the angle of vision of this height—and if any one calls them commonplace, let him pass the page to any baby that has begun to bounce, and on the immediate squeal share with him the earliest of the seven joyous mysteries of reading. This, of course, is recognition, and first books fulfil their purpose if they give the baby his own world on the page; it is wasting fairies to thrust them on new arrivals who regard the bathroom faucet or their own shoes with eyes that say with Whitman—"As

By
MAY LAMBERTON BECKER

for me, I know of nothing but miracles." Earlier in the season Mabel Pyne's *From Morning to Night* gave a two-year-old all the objects of his day without words and in bright colors, and I would make with this the first step from Steichen.

The alphabet breaks upon the baby's mind this year in several new incarnations: the *Modern A B C* of C. B. Falls, not so magnificent as the famous work with which he rescued the alphabet for the contemporary child, for from Airplane to Zeppelin he is conditioned by the lines of machinery and can seldom use those first fine masses of color

—though modern children will probably find it more fascinating. The only alphabet in action I have seen is *The Duck and His Friends*, by Fletcher White; on its large light pages the duck, his name spelt in blocks, meets the cat; they go happily together to meet another animal, and so on till fourteen have gathered and repeated and the alphabet is assembled. If a pre-school mother fear thus to interfere with the course of education, I can but tell her that unless she interferes somewhere along its course her children will be driven later in life to a book just

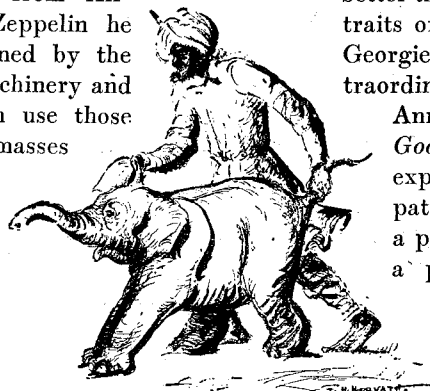


One of Willy Pogany's illustrations for *Magyar Fairy Tales* (Dutton)

Names of the publishers and prices of books mentioned will be found at the end of this article.

published by Heath: *Learning to Spell: an informal guide for college students.*

The next step is the little story, such as little children love to hear and will make for themselves on slight encouragement. One wonders why there should have been so many failures in making these, the pattern having been given us so clearly by Mother Goose: a little drama, moving rapidly to a climax and soon after settling to a satisfactory—because conclusive—close scene and actors within the child's experience. It is because the Haders caught this "little drama" idea in illustrating these famous rhymes and chose in each case the moment of dramatic climax for the picture, that children are likely to enjoy Berta and Elmer Hader's *Picture Book of Mother Goose* better than one with portraits of a static Jill or Georgie Porgie. The extraordinary charm of



From "Hahtibee the Elephant" by Charles E. Slaughter (Knopf)

Anne Stoddard's *A Good Little Dog* is expressed in such a pattern, one line to a page, the story of a puppy who resented the doll Belinda until he saved her life, but "if you save a doll's life

you just have to be kind to her." So he trotted off drawing her in an express-wagon. The Haders made these pictures, too. *The Mongrel Puppy Book*, by Cecil Alden, has the author's own delicious drawings and the story is winning though not so dramatic. *Angus and the Ducks*, by Marjorie Flack, also runs one line to a page-picture: a terrier loves to chase ducks until (climax) they discover that they can chase him, whereupon he runs under the furniture and you leave him looking out with one bright eye. I have been told that these are pictures of geese: no such thing: these are ducks, not in repose, but in action. *A Monkey Tale*, by Hamilton Williamson last year, was a model of this sort of story; we have (Please Turn to Page 586)

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▶▶ The Stream of Business ◀◀

▶▶ Build Now—Why?

THIS is clearly the time of all times for the renter to improve that lot he owns out on Green Acres Boulevard. Building materials and skilled labor are obtainable at the lowest levels reached in years, and savings institutions are full to overflowing of accumulated funds seeking an investment outlet.

Prices of materials have been on the toboggan during most of 1930. The Bureau of Labor Statistics index (1926=100) stood at 92.9 for May, 90 for June, 88.9 for July, 87.4 for August, 86.8 for September and 85.8 for October. Some materials show reductions far beyond the average rate—lumber is down 25%, metal lath 30%, brick 35%, plaster 40% and cement, rock and sand (the ingredients of concrete) nearly 50%.

The labor supply is, of course, plentiful, and probably 15 to 20% more effective than it was a decade ago. Money supply is even more plentiful. During 1929 the American people invested more than eight and one-half billions in building and loan associations—more than ten times the amount invested in 1926.

Now is the accepted time, Mr. Homebuilder, but don't wait too long. An upturn in residential construction during September and October was reflected in somewhat firmer prices for materials, and as demand for labor increases there will be the usual upward revision of wage schedules. The government, through President Hoover's Conference on Home Building and Home Ownership, is getting back of the movement, and Secretary Lamont forecasts expenditures of fifty billion dollars for residential construction during the next twenty years. Come on, Mr. Homebuilder—get in on the ground floor.

▶▶ Evolution in S. O.

Two straws showing the way the wind blows have floated out of the Standard Oil camp. The workers are getting a voice in the management of S. O. of New York and the Rockefellers are losing theirs in connection with five companies—Standard of Kentucky, Standard of Kansas, Atlantic Refining, Prairie Oil and Gas and Prairie Pipe Line.

Under the new representation plan, employees in the marketing division of the Standard Oil Company of New York

will participate in the fixing of compensation and the determination of working conditions. Questions concerning wage scales, conditions of employment and other matters of mutual interest will

INDICES

(A two-minute summary)

Commodity Prices (Fisher's Index—1926=100) November 27—80.6. (Crump's British Index—1926=100) November 27—71.7.

Car Loadings (American Railway Assn.) Week ended November 15—829,251 (reduction of 52,150 under preceding week and of 153,675 under same week of 1929).

Steel Ingot Production Week ended November 22—40% of capacity (reduction of 3% under preceding week and of 29% under same week of 1929).

Crude Oil Production Week ended November 22—daily average gross 2,281,850 barrels (reduction of 82,700 under preceding week and of 351,400 under same week of 1929).

Grain Exports Week ended November 22—1,093,000 bushels (reduction of 337,000 under preceding week and of 1,418,000 under same week of 1929).

Bank Clearings (as reported to Bradstreet's) Five-day period ended November 26—\$6,577,241,000 (reduction of 25.9% under preceding week and of 37.7% under same week of 1929).

Failures (as reported to R. G. Dun & Co.) Five-day period ended November 26—461 (reduction of 108 under preceding week; increase of 90 over same five-day period of 1929).

be settled in joint conference of employees' representatives and representatives of the management.

Changes in the Rockefeller holdings are in line with a general policy of concentration in Vacuum and the S. O. units of New Jersey, New York, Indiana, California and Ohio. They probably indicate an acknowledgment on the part of the Rockefellers of the trend toward large, fully integrated companies, and also a desire to have their personal and foundation holdings confined to a comparatively small group of enterprises.

▶▶ Finishing Up at Youngstown

ONE of the longest and bitterest business controversies of all time is nearing its end at Youngstown, Ohio. Final briefs in the Bethlehem-Sheet and Tube merger trial were filed on November 28 by attorneys for the defense and in behalf of Cyrus S. Eaton of Cleveland, leading opponent of the merger.

The proceedings have been sensational from the start. They were marked by two deaths, one of which was a suicide; charges and countercharges involving the reputation of internationally known accounting firms; and the bringing out of information in regard to the payment of millions in

bonuses to President Grace and his associates in the management of Bethlehem Steel.

The brief filed for the Eaton interests repeated charges, made during the trial, against the auditors who reported on the proposed merger and against Sheet and Tube directors. The action of the auditors is called "amazing and suspicious" and the directors are charged with "actual and intentional fraud."

In the brief filed for the pro-merger interests, Mr. Eaton is charged with having testified falsely, and the anti-merger faction is accused of making "an unwarranted attack" upon the character of the Sheet and Tube directors.

The trial has been closely followed in all parts of the country, and the decision of Judge David G. Jenkins is being awaited with keen interest.

▶▶ Facts and Conclusions

H. G. SCHNACKEL'S *The Art of Business Thinking* is now followed by a companion volume, *The Art of Business Reasoning* (Wiley \$3.50). When one is confronted with a business problem, says Mr. Schnackel, there are two questions which must be answered: What are the facts? What are the conclusions indicated by the facts?

About two-thirds of the book is devoted to the first question. Part I deals with "Fundamentals of Executive Reasoning"; Part II with "Methods of Collecting Facts"; and Part III with "Tests of Executive Reasoning." Part IV covers "Developing the Conclusion" and Part V "Establishing the Conclusion."

The investigator, says Mr. Schnackel, is confronted with a devious and tortuous pathway to be successfully negotiated before he can arrive at actual facts and real truth. For the executive who is a victim of lax habits and incomplete control over his mental functioning, the conditions are very much of this nature.

However, for him who controls his habits and makes them servants of his will rather than dictators of his behavior, there is no reason for deviation from the narrow path of true logical thought. Such an executive can control mental background by fact rather than have fact controlled by it, and thus he will be able to draw valid and justifiable conclusions.

Football as a Vocation

(Continued from Page 573)

playing berths in the professional field are available only for a very few out of a large selection and then only for a limited time. He still wants to play at the top where his ability has made him a place; the professional game is a long step for him.

The last argument of the educators in control, as far as that control goes, is that all this hubbub over football is unnecessary because in the final analysis football is a mere physical pastime and should be treated as such. Granted. It is a physical pastime which has no benefit for the many and may even overdevelop the few who take part. But, in the instance of the scholarship and other material aid given the intellectual prodigy, is he not also mentally overdeveloped in comparison with the mass? And is not physical development nearly as important as mental stature? Is an intelligent weakling of any more benefit to the race than a strong exponent of physical prowess who may not be of large mental attainments? If the prodigy's achievements of the mind merit extra and further opportunities surely the athlete's accomplishments deserve no less.

When any one establishes a scholarship based upon mental requirements paeans of praise are sung, the harp and psalter sounded and the event duly recorded as a most noble gesture on the part of the donor. But, horror of horrors! should an attempt be made to endow an athletic scholarship, the bellows of denunciation would fan the fires of hell, the imps of recrimination would dance and Satan would be enthroned as the pictorial embodiment of such a nefarious gift.

Personally, however, I see no more objection to athletic scholarships than to those so enthusiastically encouraged for intellectual merit. Nor do I feel it any more condemnatory for an athlete to receive assistance sufficient to enable him to sustain his tour through college even upon the basis that he is a superior figure in some sport, than for a brilliant student to accept similar help. Of course, this is not to be taken as an approval of extreme cases and payment of emoluments out of all proportion to the requirements of the particular situation.

Both the physical and intellectual specimens of our youth are probably today, however, of equal value (or so considered) in our social and educational systems. Then why all this furore in the one instance and unctuous, sanctimonious approval in the other?

(Please Turn to Page 595)

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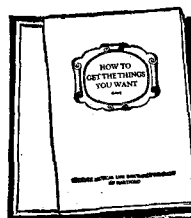
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►► The Leisure Arts ◄◄

Speaking of Books—The Theatre—The Movies

Lawrence's Posthumous Novel

WHEN D. H. Lawrence died of tuberculosis last year at Vence, he left the unrevised manuscript of a novel, *The Virgin and the Gipsy*, which is now published by Alfred Knopf (\$2.50). The first thing that should be said about it is that there is no reason to believe that Lawrence intended the novel to stand as written. The published work is so much more like the outline for a novel than like a finished one that it is fair to consider it as such. As the title clearly indicates, *The Virgin and the Gipsy* is another exposition of the theme which absorbed many of Lawrence's writing years, if not his best ones. In a stiff little tale of the daughter of a narrow, stultifying church household who falls in love with a gipsy, we find again Lawrence's pure maiden and untamed male, and his "self-righteous moralist as the menace to twentieth century virility": and in the artificially induced climax, his accustomed use of symbolism. It seems probable that Lawrence was highly conscious of the feminization of modern society, and that he had the messianic impulse to redeem it. As the means of that redemption he saw the gentlewoman, primarily woman, turning from the biologically unsatisfactory males of her own class to the males more male than man of a lower stratum. Although Lawrence himself denied his early dictum that every man is free to hold his own opinion and must be considered as sincere in so holding it, the first thing that the reader of Lawrence's later work must do is to understand that Lawrence was a man of almost childlike seriousness of mind and purpose and that his social conscience directed him to preach as he did. Out of Lawrence's solemn beliefs grew the grossness apparently for grossness' sake which mars so much of his last work, (though not *The Virgin and the Gipsy*). He was acclaimed by certain admirers as the high-priest of the cult of "liberating obscenity," and thousands of readers,

forgetting that *distaste* is not the antonym of *taste*, ignored the artist in their dislike of the propagandist.

In *The Virgin and the Gipsy*, as in all Lawrence's last books, the author's obsession is too much for his art. His characters have no life. He no longer lets them speak or act for themselves. To be certain that they shall speak and act according to his obsession, he does all the work for them.

"... he said, with a cold mongrel sort

rence trouble to use his fertile imagination and not his angry will. The paragraphs which compare this old woman with her "insatiable greed for life, other people's life," to the toad sitting on the ledge of the beehive, catching the bees as they emerge from flight, are the finest in the book.

As a preacher, Lawrence is apt to be a bore. His obsession strikes those readers who neither share it nor are disgusted by it as tedious, puerile and unhappy.

But as an artist he is one of the greatest figures in contemporary letters. Like all serious and prolific writers, he wrote some dull pages, but most of his earlier work is moving and beautiful. And to find his style at its purest one must turn back to the earlier work. There one sees that his is not the product of a spontaneous welling-up of inspiration, but of a "speculative mind shaping material provided by the senses and memory." His prose is sometimes over-lyrical, but his sense of rhythm and tempo is unfailing, and his use of imagery has not been equalled in his generation. On *Sons and Lovers*, *Twilight in Italy*, *The White Peacock*, on pages from other early fiction, from poetry and records of travel, his position in English letters will be fixed. When the present fear of being labelled puritanical or tight-minded has passed, Lawrence, the preacher, will be forgotten; but Lawrence, the artist, will remain.

FRANCES LAMONT ROBBINS.



From "N by E" by Rockwell Kent (Brewer and Warren)

Behind the Blurbs

of sneer which showed what an utter unbeliever he was at heart."

"Cousin Cissie's green flares of hate would go up against all young things, sometimes."

"Under the rector's apparent gallant handsomeness, she saw the weak, feeble nullity."

This is not the novelist's way of creating characters. It is the preacher's way of hacking out cardboard dummies. Only in the case of the revolting old grandmother of the Virgin, does Law-

IN his introduction to Peter Arno's new book of drawings, *Hullabaloo*¹, Robert Benchley points out that with the advent of this artist "the entire technique of picturized jokes underwent a sudden and complete change. The old, feeble two-line joke practically disappeared, and in its place came a fresh and infinitely more civilized form—the illustrated single remark." It is true that the old-fashioned kind were merely illustrated funny stories—they car-

1. Liveright, \$3.00.

ried just as well without the illustration. But take one or two of Arno's: "Why, auntie! You've got your hat on. Are you going out?" "Morning, dear. What's new?" "Wake up, you mutt! We're getting married today." Nothing funny about these—until you see the picture. Then the incongruity, the implications, strike you and your guffaws shake the house. If Peter Arno can keep it up, his books in time to come will be a more accurate picture of life in the '30's than any of the serious histories and books of memoirs that will be written. * * *

Off the coast of the Republic of Jacinto lay the island of San Fernando, but if you think it was one of these dolce far niente tropical isles, you're all wrong. First Rowland Marr, metallurgist, was kidnapped by Griggs, the iron-faced skipper with the mirthless laugh, and taken to San F. to work willy nilly for the white-faced man who lived in the Governor's palace. Then his daughter came to Jacinto to visit him, and promptly disappeared, as did, a short time later, her boy friend—though he turned up again shortly, a little the worse for wear, but provided with clues on the strength of which he and Professor Bastion and Major Bevis and Ruis, the amusing half-breed, set out for San F. Read *The Praying Monkey*² for further information, which, if you like a good adventure yarn, you'll absorb eagerly. * * *

*The Rogue's Road*³ is a story of adventure in Wales in 1726. A lady is kidnapped and a villain is pursued; there is an adventurous hero and a gypsy girl and a daredevil captain of dragoons and a dwarf and a half mad old nobleman in a forgotten castle. We don't quite know why the story fails to come off. Cloaks and pistols and midnight on the moor and the other trappings of romance always put us in a pleasant state of expectancy, and the author handles these things well. The people have just the right touch of unreality for romance, and there is nothing the matter with the plot. But there's no clearness, either in the action or the speeches. You never quite know what's going on. It's a story told in a fog, which the author perhaps mistakes for atmosphere. Which is a pity, because when nothing at all is happening, the atmosphere is so good. As it is, the parts where nothing happens are the best in the book. As soon as the figures move, everything blurs. * * *

Louise Rice, graphologist, is to blame for *By Whose Hand*⁴, a detective story in which Graphology (which is the science of reading character by handwriting) plays a large part. Juan Murphey, the

Hiberno-Spanish detective, and Mary Smith, graphologist, after hair-raising adventures, unmask the Grand Duke's substitute fiancée, (the Duke himself didn't know the difference), and the gang of wicked adventurers who are working with her. It's exciting in spite of its errors—and they are many and incredibly stupid—and in spite of the fact that it is two times too long, and very badly written. * * *

We have never understood why Stella Benson has received so little recognition. She is undoubtedly one of the most original and gifted people writing in English today. Her first books were fantastic, unreal and enchanting. Slowly she has come down to earth; her stories have become stories of real people. Whether this seems a pity or not depends on your personal preference. The uncanny insight, the sharp and absolutely right precision of descriptive phrase, the odd twists of fancy are still there. Her latest book, *The Far-away Bride*⁵, is the story of a White Russian family in Manchuria. The son, Seryozha, goes to Seoul with an English-speaking Chinese to collect money which his father has left in the keeping of a compatriot. He collects the money and a bride and returns. The fact that Miss Benson, struck by the parallel between the position of Russians in Manchuria and that of the exiled Jews as pictured in the Apocryphal *Book of Tobit*, and that she has made her story conform to that book, is unimportant as affects the story, though the interpretation of the plot from a sharp outsider's point of view, rather than from that of the complacent Tobit, is amusing. Yet the unearthly sparkle, which is practically continuous in the other books, is here from time to time dulled for several pages, perhaps by the demands of the ready-made plot. We'd rather follow Miss Benson alone than when she walks hand in hand with a Jewish patriarch, no matter how smug he may be. Still and all, it's the most delightful book we've read this year. * * *

Edgar Wallace's latest, *Mr. Commissioner Sanders*⁶, is a series of stories of the adventures, among the African tribes where he keeps the peace, of the Commissioner and his assistants. We liked them better than anything we have read of Mr. Wallace's recently.

WALTER R. BROOKS.

5. Harpers, \$2.50.

6. Doubleday Doran, \$1.00.

The Outlook's Five-Inch Shelf For Week-End Reading

Adventure: *The Praying Monkey*, by Gavin Holt: Dial.
Novel: *The Virgin and the Gipsy*, by D. H. Lawrence: Knopf.
Biography: *Background with Figures*, by Cecilia Beaux: Houghton Mifflin.
Miscellaneous: *Tin Pan Alley*, by Isaac Goldberg: John Day.

2. By Gavin Holt: Dial, \$2.00.

3. By Virgil Markham: Macmillan, \$2.00.

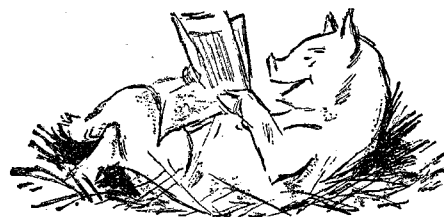
4. Macaulay, \$2.00.

Christmas Gifts for Boys and Girls

MORE TO AND AGAIN

BY WALTER R. BROOKS

on the staff of The Outlook



Mr. Brooks' new story for children concerns the further adventures of the group of barnyard animals in *TO AND AGAIN*. This time they form a company, Barnyard Tours, Inc., and travel to the North Pole. The story is full of humor, as are the excellent illustrations by Kurt Wiese. \$2.00.

THE PAINTED PIG

By ELIZABETH MORROW

Illustrated by Rene d'Harnoncourt

Mrs. Dwight Morrow's popular Mexican picture book. Now in its fourth edition. \$2.00.

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A Dutch picture book, by the author of *THE RUNAWAY SARDINE*, about a Duck and a Mouse in a market in Holland. \$1.75.

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By AGNES CARR VAUGHAN

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Amazing adventures of Lucian, from inside a great whale to the moon. \$2.00.

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By WASHINGTON IRVING

Decorated by James Daugherty

Anne Carroll Moore's selection of five of Irving's best mystery stories. \$3.50.

SPICE AND THE DEVIL'S CAVE

By AGNES DANFORTH HEWES

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A historical romance of Vasco da Gama's voyage in search of the sea-route to India. \$2.50.

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ALFRED A. KNOPF

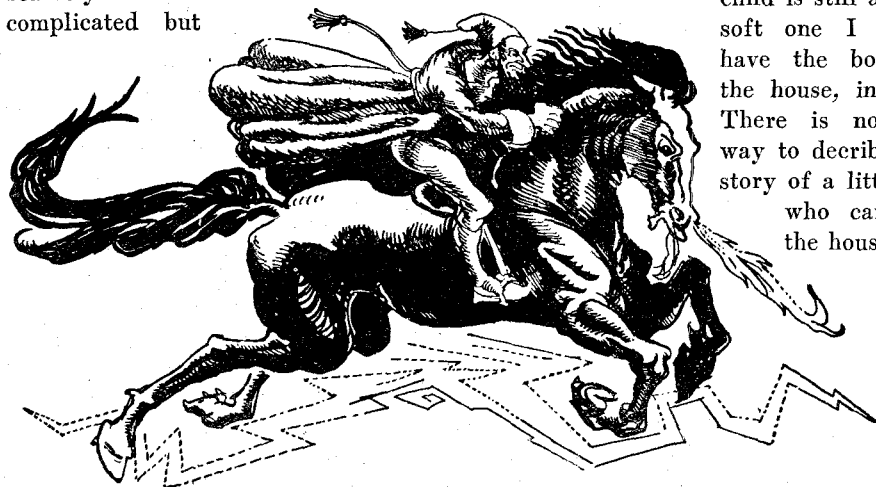


PUBLISHER, N. Y.

A Harvest of Children's Books

(Continued from Page 580)

two such from him this season, *Little Elephant* and *Baby Bear. A Roundabout Tale*, by Robert H. Charles, tells a story scarcely more complicated but



One of James Daugherty's illustrations for the new edition of "The Bold Dragoon" by Washington Irving (Knopf)

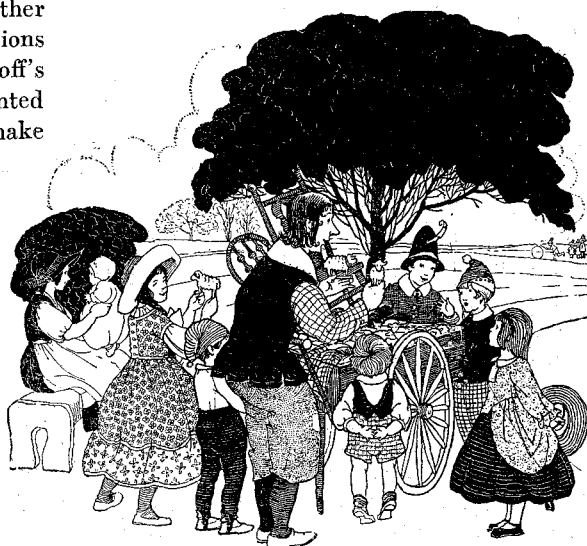
in verse, with the inimitable drawings of L. Leslie Brooke; this is another plum pulled from *Punch*, which has provided some of the best young English literature. In *Penny Whistle*, by Erick Berry, a black baby goes into the jungle with a whistle and comes back with a tune, notes and all.

FROM these one slips into the stage where interest centers in the pet. No wonder there are many lovely stories of this sort. Such stories are based on one of the tenderest relations on earth, the protecting love of the child to the pet, to whom in his own weakness he is yet Providence. The book that carries this spirit most directly to the child this year is Marian King's *Kees*, and I do not wonder it is popular: the little Dutch boy and his duck are here to stay. This has more episodes than Katharine Kuebler's *Hansel the Gander*, another charming pet story, but its illustrations have not the distinction of Ilse Bischoff's geese, little German girls, painted bedsteads and such-like, which make *Hansel the Gander's* illustrations among the most memorable in recent years. *The Amber Bead*, by Toni Rothmund, has forest animals in the relation of pets to a little girl who knows what they are saying; the story is longer and funnier and just on the border of fairy-tale country. Somewhere over the edge of this is a picture-book taken over from the German with a new American text, strangely touching in its simplicity, made by Helen Dean Fish for the colored plates of Sibylle V. Olfers;

this is *When the Root Children Wake Up*, and it will be loved by any small child who has dug in a garden.

Just how old one must be to love *The Cat Who Went to Heaven*, by Elizabeth Coatsworth, I don't know: even if the child is still a quite soft one I would have the book in the house, in case. There is no fair way to describe this story of a little cat who came to the house of a

Japanese artist and brought good fortune, short of telling it; this I have done to people of all ages and sizes and every one of them has straightway made the book his own. I think if this cat had not gone to heaven in the end, there would have been rioting among the children of America. As for the wash drawings of Lynd Ward, they are the very spirits of the animals that come in one by one, for this is a series of legends worked in to a moving plot. Animals rollick through the pages of *The Ark of Father Noah and Mother Noah*, by the Petershams, who have patriotically put the patriarch and his family into Hungarian peasant dress; who could resist the depressed lions, the hand-decorated ark, and the dinosaurs too large to get through the door and so forced reluctantly to become extinct?



From Berta and Elmer Hader's edition of "Mother Goose" (Coward-McCann)

The flood figures also in Janet Smalley's *The Animals Came in 1 X 1, 2 X 2*, an enlargement with variations of the gay old song, with colored creatures bouncing about the text.

Looking over the careers of children's books you find that some of the best have been reinforced by establishing connections with an actual toy—Winnie-the-Pooh and Hitty, for instance, all along the line down to commercialized products in which book and toy are made and marketed simultaneously. The most joyous use of this connection made this year is by the Mexican stories, of which we have little less than an outburst, all good. If *The Painted Pig*, by Elizabeth Morrow, is the most successful of them all, it is because—apart from her diplomatic relations—she has most joyfully succeeded in transmitting to the reader the element of delight with which these gay earthen toys are made and played with. No doubt the story was written to fit the delicious pictures of Rene d'Harnoncourt, but somewhere along its course there can be no doubt these adorable children took possession of the author and shaped the story to suit themselves. The toy in question is one as yet unsung in juvenile literature—the savings bank *per se*, apart from its supposed purpose. I was a free-handed child but an indifferent depositor, yet I could describe now, out of an affectionate memory, not only the various banks of my childhood, but those of my favorite friends. The pig-bank figures also in Susan Smith's *Made in Mexico*, an illustrated little book for children on why Mexican art is so beautiful—which is partly because they cannot make anything that is not, from kitchenware on. This vital beauty shows in the picture-story of one Mexican day, *Pancho and His Burro*, by Zhenya and Jan Gay; in *The Talking Bird*, by Idella Purnell and John M. Weatherwax, we have tales told in the patio by an old man to his little grandson, Aztec stories with interludes of present-day child-life.

Fairies may no longer be deferred. We have indeed several new volumes not unworthy to enter the company of the old ones. *Golden Feather*, Italian fairy tales by Capuana, is sure of a warm reception; *Told Under the Green Umbrella* is a fine collection of old favorites chosen by the International Kindergarten Union; *Magyar Fairy Tales*, by Nandor Pogany, have the additional advantage of Willy Pogany's colored pictures; *Fairy Tales of Modern Greece*, by P. Gianopoulos and George MacPherson, are new

to us, and the *New German Fairy Tales* of Norbert Lebermann really do apply to some of the conditions of modernity some of the spirit and technique of the Grimms.

Somewhere along the edge of the fairy story are the animals that talk, wear clothes, and otherwise act in a manner that surprises no real child. Here are *The Animals' Own Story Book*, by Ellen C. Babbitt, folk stories by the author of *Jataka Tales*, in which some of the Uncle Remus tales appear without dialect; Valery Carrick's delicious *Animal Picture Tales from Russia*, and *The Amazing Adventures of Little Brown Bear*, by Dorothy Burroughes, which manages to combine some of the charm of Beatrix Potter with some of the spirit of the Pip-and-Squeak comics dear to London children—and this is no mean combination. *Mr. Nip and Mr. Tuck*, by Caroline Emerson, author of *A Hat Tub Tale*, is even nearer pure fantasy; the creatures are rabbits and kitten and such, but with features and conduct of a decidedly fairy-like nature; they are adored by children for their high spirits, their unusual adventures, and their attention to the rule for pleasing children in fantasy—to have all important matters impossible and all little things accurate to the smallest detail. Mermaids, if you are writing for children, must not button their boots. *More To and Again*, by Walter R. Brooks, continues the adventures of the farm animals related in a previous book. The story of the personally conducted travel tours for animals, in the course of one of which they are of assistance to a very worried Santa Claus, is told with a humor which will tickle both children and grown-ups.

Animals rapidly grow more themselves as the child grows; he now loves *Jungle Babies*, a fine large colored-plate book about real lion cubs and giraffes and klipdas and the like, by Edith Kaigh-Eustace, pictures by Paul Bransom; *Wallie the Walrus*, by Kurt Wiese; *The Blot: Little City Cat*, by Phyllis Crawford; *Sonny Elephant*, an exciting jungle story by Madge A. Bingham, with the Hader's colored pictures; *My Wild Animal Guests*, by Ernest Baynes, a sympathetic study in taming shy creatures such as deer and skunks; *The Stir of Nature*, in which William H. Carr also has friendly relations with the last-named, and gives moreover a year-round guide to outdoors for any American boy or girl. So it goes to stories in which animals are the chief interest, like *Navarre of the North*, Esther Birdsall Darling's story of a real husky, and the appealing adventures of a pony who runs away from

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a circus, *Teddy Horse*, by Eleanor Youmans. Any age at all will cherish *Just Horses*, by K.O.S. (Baroness Dombrowski); I have given one copy of this big book of full-page colored drawings and descriptions to a child of five and one to a woman of forty, and thoroughly pleased both.

We are now in full stream of books for middle-aged children, somewhere before the teens, in the fact age that closes so swiftly and completely the fairy-tale period of life. Here are some of the most successful books of the season, if success means doing what you set out to do. Take *Hickory-Goody*, by Ada Claire Darby; where could you find a better way to set down a young reader into the life of Missouri in the days of young Kit Carson and old Lafayette—who come in naturally, you will notice, not lugged in by the ears? I know about the paper that figures in this book; I made a pilgrimage to its birthplace once, to honor the first newspaper published west of the Mississippi. Where has there been a better presentation to youth of the times of William Tell than in Julia Davis Adams's *Mountains Are Free*, or of the course of history of communication through all ages than in Joseph Walker's illustrated record of *How They Carried the Mail*, or of the epic hero of India than in Dhan Gopal Mukerji's noble *Rama*? This age has even a good detective story, good as any age needs, staged at Berlin with the aid of a crowd of resourceful and real street-urchins, *Emil and the Detective*, by Erich Kaestner. It has, in *Frawg*, by Annie Vaughan Weaver, a simple, exquisitely sympathetic story of a little Negro thus named, with his sister Iwilla (short for Iwillariseandgountomy-father); the attitude of the author to the black children is affectionate without condescension and her own pictures in color have an indescribable attraction.

It is generally unnecessary to discourage failures in children's books; the refusal of children to read them will attend to that more drastically than we can. But something really ought to be done to warn writers off the field of *Alice in Wonderland*. They must think that was an easy book to write. Now it has been said that no egotist gets on well with cats; he cannot put up with creatures so serenely self-sufficient. Little children are by nature and of necessity self-contained; they live within the circle of their own natures and experiences, and you must meet them within that and on their own terms, or not at all. They will not take it from you, however they may love you, that anything is funny that does not seem to them incongruous, and with worldly ex-

perience so limited, this thing may for all they know be entirely congruous. Even "Alice" is not considered a funny book by small children, though so often shoved at them as such; why should not, they say, a rabbit do anything so reasonable as talk and wear gloves? But Lewis Carroll and Lear never tried to get their work taken as humor; they offered it on the child's own terms and it was accepted in perpetuity by all childhood. Perpetuity is a lure; more than one writer wants this sort of earthly immortality, so seldom found by going after it. So *Sir Bob*, by Salvador de Madariaga, and *Pink Furniture*, by A. E. Coppard, will not be taken by children for all the sympathy and scholarship of the former's critical essays, for all the latter's rare and exquisite short stories, or for the evident good intentions of both. *Tomorrow's House*, by Rose O'Neill, may reach them through the tiny angel no bigger than your thumb, a true child-image; *The Needle in the Haystack*, by John Matheson, may please them with its gay pictures, but neither will hold them. Above all these attempts, however, floats the year's success in this line, Anne Parrish's *Floating Island*. Here is the sort of free fantasia whose freedom so many would like laboriously to produce; starting from a dolls' house it takes in tropical islands, insects and anemones, birds and tin bath-tubs, all swimming in the delicate haze of make-believe, which while it lasts must be more real than facts.

Somewhere before the sophistication of the teens comes one of the most valuable and unusual book in years, *The Tale of the Warrior Lord*, translated by Merriam Sherwood directly from a manuscript completed in 1307, with the later life of the Cid, not the early years made familiar by Southey. Here is scholarship brought straight to the ultimate consumer without all this re-telling. Here, too, might be placed—though younger children would take it—the resounding Welsh legends to be found in *The Book of the Three Dragons*, by Kenneth Morris, and here I would put one of the most beautifully illustrated books in a long while, *Tales of a Basque Grandmother*, by Frances Carpenter, whose painted pictures are as if one looked into a brightly lighted and colored world through some magic reducing-glass.

We are now in what a boy I know calls "the grasping age," when you reach out for one kind of book after another as you do for one idea after another, trying to find yourself as much as to find something to serve you. In other words, we are among the books for the

teens. In *Lawrence's Bodyguard*, by Gurney Slade, is a grand, good story that starts with explorations in the East and in time takes in the real Lawrence; *East South East*, by Frank Morley, a fine smashing sea-story; *Red Horse Hill*, by Stephen Meade, a horse story with a trotting race in New Hampshire; *Red Man's Luck*, by Constance Lindsay Skinner, one of the best Indian stories I have read; *The Complete Stalky*, a Kipling omnibus of high literary and amusement value; *Opening Davy Jones's Locker*, by Thames Williamson, about the bottom of the sea; *The Witness Tree*, by Harold C. Wire, an honest and exciting forest-ranger yarn; *His Excellency and Peter*, by Theodore Acland, about a Russian boy in the days when the trans-Siberian railway was being built and the revolution was working in the blood; *Queen Dido's Treasure*, by Ada Glanville, perilous adventure in the country of Carthage. For girls there are *Betty Bradford, Engineer*, by Mary M. Davis, in which an Eastern girl goes west in a story, and *From French Heels to Spurs*, by Loraine Hornaday Fielding, a personal record by a seventeen-year-old of how happy she was on a real ranch in Montana; *Peggy of Old Annapolis*, by Hawthorne Daniel, a spirited Revolutionary novel; *The White Captain*, by Georgia Fraser, a romance of John Smith, and—without much cooperation on his part—Pocahontas; *Meggy Mackintosh*, by Elizabeth Janet Gray, about a girl who comes here in 1775 from Scotland and meets Flora Macdonald, who had saved the life of Prince Charlie; *Witch Maiden*, by Mabel Tyrrel, in the days of Cromwell when witches were not found only in Hallowe'en parties; *Susann of Sandy Point*, by Annie Gray Caswell, about a girl who is poor and happy, and *Linnet on the Threshold*, by Margaret T. Raymond, in which a girl has instructive experiences in getting a job. I have taken these almost at random from a pile I have mentally marked as safe ranging ground for choice; but the only way to buy books for the teens is to go, with the nature and aspirations of the young person in mind, to a book-shop early enough to look swiftly through the story.

Books Described by Mrs. Becker

The First Picture Book. Prepared by Mary Steichen Martin, photographs by Edward Steichen. Harcourt, \$2.00.
From Morning to Night, by Mable Pyne. Stokes, \$1.00.
The Modern ABC Book, by C. B. Falls. John Day, \$2.00.
The Duck and His Friends, by Fletcher White. Oxford University Press, \$1.25.
A Good Little Dog, by Anne Stoddard, pictures by The Haders. Century, \$1.00.
Angus and the Ducks, by Marjorie Flack. Doubleday.
The Mongrel Puppy Book, by Cecil Aldin. Oxford University Press, \$1.25.
When the Root Children Wake Up. Text by Helen

Dean Fish, pictures by Sibylle V. Olfers. Stokes, \$1.50.
Aunt Brown's Birthday, by Elsa Beskow. Harper, \$2.50.
A Roundabout Turn, by Robert H. Charles, drawings by L. Leslie Brooke. Warne, \$1.50.
The Ark of Father Noah and Mother Noah, by Maud and Miska Petersham. Doubleday, \$2.00.
The Animals Came in, by Janet Smalley. Morrow, \$1.75.
Penny Whistle, by Erick Berry. Macmillan, \$1.00.
Berta and Elmer Hader's Picture Book of Mother Goose. Coward, \$3.50.
Little Elephant, by Hamilton Williamson, pictures by The Haders. Doubleday, 75c.
Baby Bear, by Hamilton Williamson, pictures by The Haders. Doubleday, 75c.
Kees, by Marian King, pictures by Elizabeth Enright. Harper, \$2.50.
Hansel the Gander, by Katharine Kuebler, pictures by Ilse Bischoff. Morrow, \$2.00.
The Amber Bead, by Toni Rothmund. Longmans, \$2.00.
The Amazing Adventures of Little Brown Bear, by Dorothy Burroughes, Harper, \$1.00.
The Painted Pig, by Elizabeth Morrow, pictures by Rene d'Harnoncourt. Knopf, \$2.00.
Made in Mexico, by Susan Smith, decorated by Julio Castellanos. Knopf, \$2.00.
The Talking Bird, by Idella Purnell and John Weatherwax. Macmillan, \$2.25.
Pancho and his Burro, by Zhenya and Jan Gay. Morrow, \$2.00.
Tales of a Basque Grandmother, by Frances Carpenter, pictures by Pedro Garmendia. Doubleday, \$3.50.
New German Fairy Tales, by Norbert Lebermann, pictures by Margaret Freeman. Knopf, \$2.00.
Told under The Green Umbrella. Fairytale collection. Macmillan, \$3.00.
Red Man's Luck, by Constance Lindsay Skinner. Coward, \$2.00.
To-Morrow's House, by George O'Neill, illustrated by Rose O'Neill. Dutton, \$2.50.
Pink Furniture, by A. E. Coppard. Cape-Smith, \$2.50.
Floating Island, by Anne Parrish. Harper, \$3.00.
Emil and the Detectives, by Erich Kaestner. Doubleday, \$2.00.
Frawg, by Annie Vaughan Weaver. Stokes, \$1.50.
How They Carried the Mail, by J. W. Sears, \$3.00.
Rama: the Hero of India, by Dhan Gopal Mukerji. Dutton, \$2.50.
Just Horses, by K. O. S. (Baroness Dombrowski). Macmillan, \$2.50.
Hickory-Goody, by Ada Claire Darby. Stokes, \$1.75.
Magyar Fairy Tales, by Nandor Pogany, illustrations by Willy Pogany. Dutton, \$3.00.
Golden-Feather, by Capuana. Dutton, \$2.50.
Fairy Tales of Modern Greece, by Th. Gianaoulis and Georgia MacPherson. Dutton, \$2.50.
Book of the Three Dragons, by Kenneth Morris, illustrated by Ferdinand Horvath. Longmans, \$5.00.
Tale of the Warrior Lord, translated by Merriam Sherwood, decorated by H. C. Pitz. Longmans, \$2.50.
Mountains are Free, by Julia Davis Adams. Dutton, \$2.50.
Sir Bob, by Salvador de Madariaga. Harcourt, \$2.50.
The Needle in the Haystack, by John Matheson, pictures by E. Parin d'Aulaire. Morrow, \$2.50.
The Cat who went to Heaven, by Elizabeth Coatsworth, pictures by Lynd Ward. Macmillan, \$2.00.
Mr. Nip and Mr. Tuck, by Caroline Emerson, illustrations by Lois Lenski. Dutton, \$2.50.
More To And Again, by Walter R. Brooks. Knopf, \$2.00.
The Animals Own Story Book, by Ellen C. Babbitt. Century, \$1.50.
Wallie the Walrus, by Kurt Wiese. Coward, \$1.50.
Animal Picture Tales from Russia, by Valery Carrick. Stokes, \$1.50.
Sonny Elephant, by Madge A. Bingham, pictures by The Haders. Little Brown, \$2.50.
Teddy Horse, by Eleanor Youmans. Bobbs-Merrill, \$1.50.
The Blot, Little City Cat, by Phyllis Crawford, illustrations by H. C. Holling. Cape-Smith, \$2.00.
Navarre of the North, by Esther Birdsall Darling. Doubleday, \$2.00.
My Wild Animal Guests, by Ernest Harold Baynes. Macmillan, \$1.75.
The Stir of Nature, by Wm. H. Carr. Oxford University Press, \$2.50.
Jungle Babies, by Edvth Kaigh-Eustace, illustrations by Paul Bransom and Don Nelson. Rand McNally, \$3.00.
French Heels to Spurs, by Loraine Hornaday Fielding. Century, \$2.00.
Peggy of Old Annapolis, by Hawthorne Daniel. Coward, \$2.00.
Witch's Maiden, by Mabel L. Tyrrell, Harper, \$2.00.
His Excellency and Peter, by Theodore Acland. Harper, Doubleday, \$2.00.
The Reckless Seven, by Nelly Rieu. Macmillan, \$2.50.
In Lawrence's Bodyguard, by Gurney Slade. Stokes, \$1.75.
The White Captain, by Georgia Fraser. Little Brown, \$2.00.
The Witness Tree, by H. C. Wire, Crowell, \$2.00.
Red Horse Hill, by S. W. Meader. Harcourt, \$2.50.
East South East, by F. V. Morley, Harcourt, \$2.50.
Meggy MacIntosh, by Elizabeth Janet Gray. Doubleday, \$2.00.
The Complete Stalky, by Rudyard Kipling. Doubleday, \$2.50.
Batty Bradford, Engineer, by Mary M. Davis. Macmillan, \$2.00.
Judith Laukster, by M. H. Allee. Houghton, \$2.00.
Opening Davy Jones's Locker, by Thames Williamson. Houghton, \$2.00.

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The Outlook's Guide

to the

Most Discussed Books

This list of ten best-selling books is compiled from reports sent to the Outlook each week by wire from the following representative bookshops:

BRENTANO'S, New York; SCRANTONS, INC., Rochester; KORNER & WOOD, Cleveland; SCRUGGS, VANDERVOORT & BARNEY, St. Louis; KENDRICK BELLAMY Co., Denver; TEOLIN PILLOT Co., Houston; PAUL ELDER & Co., San Francisco; NORMAN REMINGTON Co., Baltimore; EMERY BIRD THAYER, Kansas City; MILLER'S BOOK STORE, Atlanta; BULLOCK'S, Los Angeles; STEWART KIDD, Cincinnati; J. K. GILL, Co., Portland, Oregon; JOHN WANAMAKER, Philadelphia; THE OLD CORNER BOOK STORE INC., Boston, Massachusetts.

Fiction

Philippa, by Anne Douglas Sedgwick: Houghton Mifflin. A highly readable novel about a modern girl and her divorced parents. Reviewed November 5.

Imperial Palace, by Arnold Bennett: Doubleday Doran. A great London hotel is the real heroine of this long novel in which the overwhelming wealth of detail obscures the interest of characters and plot. Bennett's best in many years. To be reviewed next week.

The Deepening Stream, by Dorothy Canfield: Harcourt, Brace. A rich, moving story of a woman's growth into fullness of life. Reviewed October 15.

Twenty-Four Hours, by Louis Bromfield: Stokes. Dextrous but undeceiving imitation of life in a story of New Yorkers. Reviewed September 24.

Years of Grace, by Margaret Ayer Barnes: Houghton, Mifflin. A detached and clear picture of fifty years with their changing influences. Reviewed July 2.

Non-Fiction

Lives of a Bengal Lancer, by F. Yeats-Brown: Viking Press. An exciting account of a many-sided life in India. Reviewed November 5.

Memories and Vagaries, by Axel Munthe: Dutton. An American edition of a collection of sketches and character studies which was published in London in 1898. Reviewed November 26.

Jeb Stuart, by John W. Thomason, Jr.: Scribner's. A detailed and picturesque history of the great Confederate cavalryman. Illustrated by the author. To be reviewed next week.

The Story of San Michele, by Axel Munthe: Dutton. Picturesque autobiography of a famous doctor, now available in a new edition with special preface by the author. Reviewed May 21.

Royal Charles, Ruler and Rake, by David Roth: Brentano. More emphasis upon the rake than upon the ruler in this commonplace biography of Charles the Second. If you want to read about the Restoration in England, Pepys will give you a better picture of it.

In This Issue

LEWIS W. HUNT is one of Chicago's best known newspaper reporters. Mr. Hunt is also Assistant City Editor of the Chicago Daily News.

CHRISTIAN K. CAGLE, the recent discovery of whose secret marriage led to his resignation from the Military Academy, is one of America's most colorful football players. Formerly star of the West Point team and All-American halfback, Mr. Cagle has recently turned professional. He is at present playing with the New York Giants.

MARSHALL KERNOCHAN is well known as a composer and musical authority and is a frequent contributor to the Outlook. Mr. Kernochan's latest articles were, "A Philistine on Modern Music," and "The Concert Season Opens."

Next Week

The Power Issue Emerges, by Frederick R. Barkley.

The recent elections show that the question of whether private interests or the government shall control our electric power projects is coming more and more to the fore. The author discusses the consolidation of the power interests and explains their opposition to proposed legislation.

A Letter to Hollywood, by Creighton Peet.

The editors of the Outlook have recently received a letter from the prominent producer, Mr. Carl Laemmle, asking in what manner the moving picture industry can best adapt itself to the changing taste of the American public. In "A Letter to Hollywood," Mr. Peet, who regularly reviews moving pictures for the Outlook, explains the changes he considers the industry must make to meet the situation created by the introduction of the "talkies."

The Future of Prohibition, by Charles Merz.

The future possibilities inherent in the prohibition issue as it now stands, the author feels, range from repeal or nullification as a conscious policy to enforcement by drastic measures. In the concluding chapter of *The Dry Decade*, Mr. Merz considers these various eventualities and makes an estimate of the essential factors which will determine the decision of the future.

From the New Poetry

TWO great lights shine among the vast group of poetry books published recently—Frost's *Collected Poems*, and Masfield's *The Wanderer of Liverpool*.

Aside from the satisfaction of having Frost's five books all together in one volume (Henry Holt), there is the excitement of several new poems. Two of the new ones are "As Told to a Child," and with only a thinning and lightening of the fancy, these are typical of his best fanciful poetry, in which small matters shine out with crystal meaning. That magic mechanism of his by which ordinary matters are suddenly significant and glorious, and cosmic mysteries brought into the hand, is the essence of poetry and childhood both—of truth, in fact.

Masfield, in his new book (Macmillan), tells completely at last the story of *The Wanderer*, the sailing ship which he saw as a boy and which has always haunted him. In poetry and prose, from information gleaned all over the world, he gives her tragic history.

Seldom does any one pay so complete a tribute to the terrible, indefinable, transcendent beauty which, somewhere, some time, in some one form, confronts us all. The heart of Masfield's tribute, the book's very ghost, is in the post-word, the poem called "Wanderer and Wanderer," in which he tells of the subtle link between that lovely ship, beauty herself, and him, her worshipper:

"I could not know, but by some law,
You were the first great ship I saw
Unwitting, I: had I but known
I would have searcht you to the bone.

* * *

And you, unutterably fair,
Shine on my mind's sea everywhere.

* * *

Your shape and mine will meet again.
When ship meets ship,
Sea-wanderer, the colours dip.
The hidden then will be made plain."

Humbert Wolfe's *The Uncelestial City*, (Knopf) is another outstanding book of the period. It is a novel in verse, the story of Mr. Justice Crayfish, who, at entrance of Heaven, is sent back to live through his life—and we take the journey with him. It is also the story of life itself, with its unanswered questions, its broken heart. And it is the story of a charwoman, whose son the Justice had condemned to death. It is a pitiful and merciless book, and it will live.

Ash-Wednesday, by T. S. Eliot (Putnam), about fifteen pages long, is

shaped in its curved and repetitive design like an heraldic piece, a small but intricate coat of arms. It is the conventional elaboration, in animal and leaf, of a legend brief and noble—The Will to Believe. It is simplification by symbol; the symbols are of a personally experienced progression, therefore they serve for the whole stratum of those who now forsake mechanistic sophistication as a god. The coat of arms is not that of a family, but of a generation.

In spite of the slight first body of work in Katherine Garrison Chapin's *Outside of the World*, (Duffield) this woman takes quiet place with the better American women poets, by reason of quality. Her work is never robust, being determined by a cultivated mind, sheltered spirit, and body sensitized by pain; but it has the mystic envelopment of the true poet. But she is timid, and from some holding back these themes are not articulated so highly as we would wish.

Marina Wister's *Night in the Valley*, (Macmillan) is a different talent—ardent, ecstatic, full of desperate love of persons and of place, kin to nights of gale and moon, fearless, young. And yet she can see youth clearly, as witness, "Morning," the poem about girls who danced all night and went out into the dawn.

A Metaphysical Legend, Conrad Aiken calls his *John Deth and Other Poems*, (Scribner's). What word should replace metaphysical to show that this abstraction has not the essence of being, but of decay? Aiken's poetry has unsurpassed beauty of sound, image, and language, but its sweet, caressing music is full of frustration and futility. This five-sectioned Legend is a grisly fantasy, in which John Deth (Death himself) with his two "doxies"—Millicent, the white flesh, and Juliana, the dark, comprehending mind—come hold an amorous revel in a graveyard for a night. Then later he holds a contest of the birds, as to what Beauty is, and where. The bat is victor (the losing birds all being turned to snow) and shows the whereabouts of Venus Anadyomene, who is quickly crucified so that Deth and Millicent will not longer be brought back to life again and again by desire. But Venus, crucified, will rise again, and there will be no peace. The poem, in spite of its surpassing loveliness of poetry, is a dance of distorted shadows on a wall—even Beauty being not herself but a profitless, deadly, and passionate disturbance in the universe.

LOUISE TOWNSEND NICHOLL.

►► The Movies ◄◄

By CREIGHTON PEET

►► "Viennese Nights"

THE music of Sigmund Romberg and Oscar Hammerstein II has made many an operetta hit on the New York stage, but I am afraid that *Viennese Nights*, their first piece done expressly for the films, is not too exciting. On the other hand this music is pleasant and melodious, and it is never dragged in to give somebody a chance to pound out a theme song. The music is actually a part of the story and the film. Possibly it is unfair to ask any more of an operetta—but frankly I am somewhat worried by a plot that begins around 1877 and progresses by degrees to 1930. Fifty-three years somehow make a difference, and in spite of the music and the simple, tasteful settings (the Warner Brothers' scenic studios have so improved since *Noah's Ark* you wouldn't know them), I found this jumping about a little hard on my interest. Thwarted in Vienna in the nineteenth century, romance finds a melancholy, sentimental fulfillment in the twentieth when Vivienne Segal, now a palsied, white-haired old lady, hears the symphony written by the grandson of the man who might have been her husband. In this symphony is the theme of a song her old lover had sung. Somehow the last scene of *Viennese Nights* is strongly reminiscent of the ninth act of *Strange Interlude* with a lot of old folks in white wigs sitting around and talking about the past. Opposite Vivienne Segal is Alexander Gray. The other players are Jean Hersholt, Walter Pidgeon and Louise Fazenda. *Viennese Nights* is hammy in spots, but on the whole it is mildly pleasant entertainment.

►► "Sin Takes a Holiday"

Beautiful Constance Bennett and Basil Rathbone are now to be seen in a synthetically sophisticated drawing room comedy known as *Sin Takes a Holiday*. Needless to say, the "sin" part of the title was just put in as boob-catching bait. *Sin Takes a Holiday* is flawlessly moral. Miss Bennett is a

private secretary to a high-priced divorce lawyer. For some reason never made very clear he marries her "in name only," which allows Miss Bennett to go to Paris and try on dozens and dozens of new dresses and receive attentions from just lots of men. Just to prove that I am telling the truth when I say that this is a cheap job and that its "sophistication" is entirely synthetic, please listen to this very typical bit of dialogue. Miss Bennett has a run in her stocking. Mr. Kenneth MacKenna then stares hard at her legs and says, "Are they expensive . . . ah . . . er . . . the stockings, I mean?" Now I guess you know enough about *Sin Takes a Holiday*.

►► "Tol'able David"

Not having seen Richard Barthelmess in the silent version of Hergesheimer's novel of Kentucky mountaineers and their blood feuds, I shall not weary you with comparisons. It seems to me that Richard Cromwell is entirely satisfactory as the barefoot boy who finally achieves manhood by shooting down the three male members of the hated Hattburn family (one of whom is Noah Beery). Joan Peers, whose freshness added so greatly to *Applause*, is here seen as the boy's sweetheart. *Tol'able David* is a naïve, rustic drama of a by-gone day, and it seems a shame that John Blystone's really excellent direction could not have been applied to something more worthwhile. The thing moves at a fine pace and his uses of the sound device are interesting.

►► Another New Film

Derelict is George Bancroft's latest and is modeled on the Victor McLaglen-Edmund Lowe story of the two sailors

who fight over pretty girls in every port of call. *Derelict* does very little with Bancroft's talents, but it does have some interesting pictures of tramp steamers in southern waters. The storm and wreck which come in the night are all very artificial, but the daylight photography is fine.

Worth Seeing

All Quiet on the Western Front: A devastating war film—worth more than all the peace leagues put together.

Doorway to Hell: Smooth gang story showing how Al Capone may some day be put on the spot himself.

Feet First: Harold Lloyd is again hanging in mid-air on the face of a skyscraper.

Min and Bill: Marie Dressler and Wallace Berry in a lusty drama of the waterfront. Fine performances.

Morocco: Adult movie with Gary Cooper, Adolphe Menjou and fascinating Marlene Dietrich (who resembles Greta Garbo).

Laughter: Donald Ogden Stewart's civilized and light-hearted lines and Nancy Carroll's beautiful performance put this among the best.

Two Hearts in Waltz Time: A German film operetta with lovely waltz tunes. In its eighth week in New York people were still standing in line in the street.

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► The Theatre ◄

By OTIS CHATFIELD-TAYLOR

THE ways of star actresses are, I must confess, not to be forecast by ordinary mortals such as myself, or even understood after they have led to the appearance of one of these ethereal ladies in a play. This week we have for such consideration as we are capable of giving the latest manifestations of the art of Miss Ethel Barrymore and Miss Jane Cowl.

Out of town rumors had it that *Scarlet Sister Mary*, the dramatization by Daniel Reed of Julia Peterkin's novel, was so grotesquely bad that even the personality of Miss Ethel Barrymore, the First Lady of the American Theatre, was insufficient to make it bearable. She would never dare to appear in it in New York, some of the critics went so far as to hint. Well, with matchless courage, (or should I say obstinacy?) appear in it she did. As surely you must all know by now, *Scarlet Sister Mary* is the tale of a Negro woman who fell in love with a worthless man who left her, and her consequent departure from the straight and narrow. It is supposed to be played in what is known, I believe, as Gullah dialect, but a student of phonetics would, no doubt, be fascinated at the variety of the attempts of the white Anglo-American cast to capture the strange lingo. At this point I would like to say something in defense of Mr. Reed's play. For all any one can tell, it may be pretty good—if a trifle drab. But one's attention is so distracted by the queer noises the actors make and by the spectacle of such refined beldames as Miss Barrymore and Miss Estelle Winwood all smudged over with rather unevenly applied burnt cork that it is impossible to hear and digest much of the play itself. Apart from that the production is notable for the début, in a very small part, of Miss Ethel Barrymore Colt, the first representative of the latest generation of the distinguished Royal Theatrical Family. At the risk of committing *lèse majesté*, I feel I must report that, blackface or not, Miss Ethel Barrymore is very much herself and is the least successful of the principals in entering into the characterization of her

rôle. *Scarlet Sister Mary*, performed by that Caucasian troupe, can, with honesty, be set down only as a dismal waste of a good deal of obviously earnest effort.

FOR years now I have regarded Miss Jane Cowl as the star most addicted to hogging whatever show she was in. In fact, by choosing a play like *Jenny* last year she seemed to be even discarding any pretense of acting. She was Jane Cowl and if the public didn't like her, that was that. Picture my amazement, therefore, to see her follow up *Twelfth Night*, in which she has a relatively unimportant part, with *Art and Mrs. Bottle*, by Benn W. Levy, wherein it is true that she plays the leading and titular rôle, but in which there is plenty for an excellent supporting cast to do, too! No doubt a great deal of credit is due to Messrs. Macgowan and Reed, the producers, for their praiseworthy achievement in presenting us with a really professional repertory company in interesting plays well done. At present, Miss Cowl, Mr. Leon Quartermaine, and their charming and intelligent associates are alternating, every four performances, *Twelfth Night* with *Art and Mrs. Bottle*. The latter deals with a lady whose daughter has fallen in love with an artist, the very one who had seduced her mother twenty years before, and persuaded her to leave her husband. The experience of the elapsed years has given Mrs. Bottle the insight to declare, convincingly enough to persuade her daughter, that plumbing is a nobler profession than painting.

"OH, PROMISE ME," by Howard Lindsay and Bertrand Robinson, is an unashamedly slapstick farce about the breach of promise racket. It adds

considerably to the gaiety of the Great White Way, due no little to the gusto with which Lee Tracy, Donald Meek, Mary Phillips and a previously comparatively obscure ingenue, Eleanor Bedford, attack their parts. The performance of the last named young lady comes under the head of news.

Recommended Current Shows

Bad Girl: Skilful presentation of a good dramatization of the novel.

Jane Cowl: And a fine company alternating *Twelfth Night* and *Art and Mrs. Bottle*.

Elizabeth the Queen: Guild production of Maxwell Anderson's fine play with the Lunts.

Fine and Dandy: Lovely nonsense with Joe Cook.

Girl Crazy: A thoroughly satisfactory Gershwin musical comedy.

Grand Hotel: Season's most unusual and successful play.

Mrs. Moonlight: Bitter-sweet English romance. Once in a Lifetime: Fun at the expense of Hollywood.

On the Spot: Edgar Wallace's melodramatic satire about Chicago.

Roar China: Splendidly produced Soviet drama.

Up Pops the Devil: Two can't live cheaply as one even in Greenwich Village.

Vinegar Tree: Mary Boland in a very funny farce.

The passing of months and months has no effect on *Flying High*, *Strictly Dishonorable* and *The Green Pastures*.

▷▷ From the Life ◁◁

By IBBY HALL

▷▷ Actor's Daughter

SHE sat on the train watching the world skim by and reflected that at any rate she was thirteen. She would have to listen to her now. She supposed he would go right on (after the first gusty, tight embrace) trying to tuck her into his pocket, or looking for her anxiously under the furniture as if she were a kitten, or pretending to discover her behind a sofa cushion. If there were only a way to make him see—from the very beginning—! She sighed. It was hard, she thought patiently, to be a child.

Her mind went back to her responsibilities. Yes, she had everything with her in the suitcase. She opened her pocket-book and read once more the address to which he had told her to telegraph. He would have had her telegram and be gone from there by now, on his way to the same city she was traveling to. Her mind raced forward ahead of the train—seeing two engines rushing into the same station at exactly the same moment, her father leaping from one just in time to catch her as she leapt from the other. Then they would be off! Where would they stay this time? Until he must leave her again—sending her away like a baby to the nursery. Her heart gave a great jump under her ribs. Couldn't she make him listen to her? Mightn't he take her on the road with him this time?

As the train stopped she skipped lightly down the three steps, and with only one quick glance around the big station hurried over to the exit gate. She stopped suddenly and looked around, breathing hard. Maybe he was late. Maybe he had missed the train. Maybe he had met some one important.

For half an hour she walked up and down the station. Then for half an hour she sat quietly near the main door and watched the people. She noticed, during the second hour, that a guard was looking at her, so when his back was turned she slipped out quickly and walked in a business-like way toward the street. Once on a street car, she shuddered with relief. How horrible if he had asked her questions, or sent her to the police station, or a home or something! She had been here before! Down that street she was quite certain was a small hotel where they had stayed when she was a little girl. She left the car at the next corner and hurried back, stopping once to pull her skirt down under her jacket until it was a good two inches longer.

They'd never know that she was less than seventeen.

The next morning, she paid for her night's lodging while she had the money. "I'll probably be back," she said, and started out into the world to earn her living. She would have to go into business. And she had just thirty-five cents. She walked up and down in front of the shops. After choosing one, she came hurrying out with thirty-five Christmas cards in her hand. Her mind calculated quickly as her eyes hunted for a busy corner. She took up her stand near a theatre. "Bought your Christmas cards?" she asked breathlessly of the passersby. Between sales, her look stole hungrily towards the theatre. Good heavens! At sight of the sign hanging there she nearly dropped her cards. "Amateurs invited. First prize \$1.50," read the sign.

She sold the remainder of her stock feverishly. With her new capital she ran to the nearest drug store and bought some rouge — powder — lipstick — eyebrow pencil. Then back to the theatre. She closed her eyes a moment in the darkness and reminded herself that her father was a great Shakespearian actor. Then resolutely she mounted the stage.

She never knew she could dance like that. She never dreamed she could sing so well. The applause was deafening. The manager ran on the stage. "See here," he spluttered, "you are only a child. The prize is for grown-ups." "But they clapped me most," she protested. And the manager put his hand in his pocket and counted out the money.

Each day, not hearing from her father, she went confidently to business. Each night she returned more successful, but more uneasy. On the fifth night she was worried; could anything have happened to her father? She pushed through the door of the hotel and stopped short.

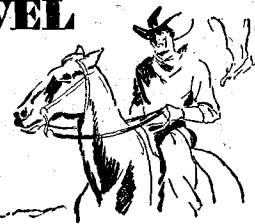
His arms were around her, he was looking anxiously into her face.

"Your telegram," he groaned, "held up. Some mistake. Reached me too late."

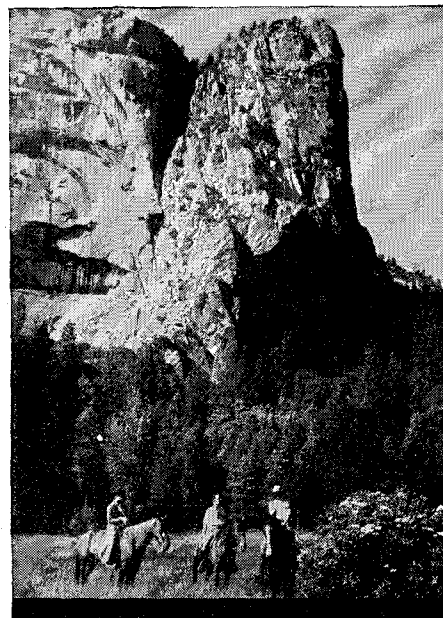
She could see that the small lobby was full of strange men. "From headquarters," she heard somebody say. And some one else: "Been searching for the kid." And she could see that her father was all to pieces. She slipped a warm, tight arm around him.

"I'm all right," she whispered comfortingly. And then in a stronger voice, "I guess you need me to look after you."

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➡ The Canning of the Orchestral Musician ◀

WORK for orchestral musicians,—even for good ones, is scarce today. Many are idle. Misery is everywhere. Some have been forced to accept jobs entirely foreign to their calling, for a man must live! So we find excellent players, who should be earning a comfortable living as such, acting as waiters, chauffeurs, or doormen.

This situation has existed for a long time, and has steadily been growing worse. It does not in any way coincide with the present business depression. It is, rather, the logical result of factors which have been at work for many years.

Those of us who are old enough can readily recall the days when every theatre had its orchestra, which furnished an overture and musical selections between the acts,—many plays also had incidental music ranging from the serious to the “shivery” music accompanying the hissing black-mustached villain of the good old melodramas. These orchestras varied in numbers from a solo pianist to aggregations, in the more pretentious houses, of as many as thirty or more. Naturally, this gave employment to many, though the pay was, in most cases, ridiculously inadequate, the managers being far from unwilling to exploit a lack of organization.

At last, however, the musicians organized the “Musicians’ Mutual Protective Union,” and the managers soon found that they could no longer obtain their music at starvation wages. Strikes were, in the main, successful, and the orchestral player found himself in possession of almost a living wage.

Had matters rested there, all might have been well. But nothing goes to the head like initial success, and the union leaders decided to go further. So, fondly believing that they had the employers at their mercy, they proceeded to make new rules, with two ends in view; the easing of working conditions and the creation of new jobs. Under the former head, they limited rehearsal hours, imposing heavy added charges for overtime work; under the latter, they endeavored to fix arbitrarily the minimum number of musicians which a given theatre might employ, under the strike threat. These measures were, for a time, successful. But they drove the managers into organizing on their own account, to wage war with the new state of affairs, for the orchestras had now become a heavy expense; more so, in many cases, than the theatres could afford; the music, too, was often so poor that the audiences were displeased, yet it was now virtually impossible to dis-

By MARSHALL KERNOCHAN

charge the incompetent personnel.

The result was the gradual disappearance of the theatre orchestra. The situation again grew grave for the musicians. The union was driven into slight relaxation of its rules, and orchestras began to reappear here and there in the theatres. Now, too, a new sun rose above the horizon. This was the movies, for whose presentation music was a vital necessity. Jobs once more became plentiful and easily obtained, and all seemed roseate. But the unions, once more grown powerful, again took the bit in their teeth, and resumed the old, short-sighted policy of endeavoring to extract the extreme possible limit, in salaries and working conditions, from their employers. New rules came thick and fast; wage demands grew.

The same severity, applied to the movie houses, though in a different way, produced similar results; the managers in this field also began to find conditions cramping. The first sign of this was the increasing use of the organ.

Had the unions but realized it, this was the writing on the wall, but they clung to the strict enforcement of their rules, in which they enlisted not a few of the organists. Then, like a thunder-clap, came the final blow. This was the supplanting of hand music by presynchronized phonographic records on a large scale, variously termed vitaphone, movietone, etc. The next step logically followed, being the substitution for music of the spoken word, theoretically as easily recorded as music. This last, however, has been only a semi-success.

The film theatres are becoming less profitable. This is due, also, to the fact that the pictures themselves are growing less interesting to the audiences. Many movie houses are being turned into indoor Tom Thumb golf courses, a state of affairs for which it would be unjust to blame Hollywood; inasmuch as any feature in a film which appears to rise above the level of interest of, say, Mr. Harold Bell Wright is excised by the uplifting Mr. Will Hays: should it achieve the improbable feat of escaping his eagle eye, the principal states all have censorship boards,—composed, mainly, of elderly maiden ladies (this statement refers less to identity than to point of view),—waiting to pounce on it. Films must be kept pure and dull.

In the field of symphonic music, a similar situation obtains. Practically all the large concert orchestras in the country are playing at a loss, even when all the houses are sold out. Only in a few

cases is this due to the financial exactions of the prima-donna conductor. Overtime charges for vitally necessary rehearsals mount high; and salaries, while not incommensurate with the skill and severe training which such work requires, are yet more than the traffic will now bear. Though the large annual deficits are usually paid by wealthy benefactors, yet, if times are hard, this cannot be counted on. In the last few years, in spite of good times, heavy budgets nearly forced the discontinuance of the Chicago Symphony Orchestra, and caused, in New York, the absorption by the Philharmonic Society of the New York Symphony Society and the New Symphony Orchestra, throwing many fine players out of work.

All these factors, combining to reduce still further the waning supply of jobs, have created the present desperate plight of the orchestral musician.

THE propaganda now being carried on in the press by the unions seems, then, foredoomed to failure unless they are willing to look the facts in the face and work under such conditions as will produce the necessary jobs. There is no doubt whatever as to the entire justice of their claim with regard to the superiority of hand over canned music. Also, the musician surely deserves a wage commensurate with his ability. But incompetent personnel should be ruthlessly eliminated,—there is not work enough even for the competent. All rules savoring of bureaucracy should also go. Let the unions, then, make a close study of the conditions under which the individual employer can afford to engage their members. Let the employers, on their part, also display a fair spirit and renounce their pound of flesh.

Thus the situation, in spite of its undoubted gravity, may in large measure be remedied. The public wants hand music; the movies, eventually, will have to provide it. If deficits can be cut to a reasonable degree, symphony orchestras would spring up all over the country. But first it is necessary that both sides should realize how little their true interests conflict. Neither can, in the long run, thrive without the other.

Perhaps this is a counsel of perfection. But it is to the interest of all. Let but this attitude be generally adopted, and the American public will have music in its theatres and concert halls which will swell the audiences, banish the present raucous noises to the limbo of forgotten things, and promote an era of work, peace and cooperation.

Football as a Vocation

(Continued from Page 583)

As a matter of fact, progress in human affairs has been jogged and advanced as rapidly by the physical as by the mental exertions of mankind. A tiny stone skilfully manipulated from a sling and propelled with sufficient physical power availed David against his Goliath infinitely more than the recital of all his beautiful and inspired psalms could possibly have accomplished.

By all means let those who have through dint of persevering and painful muscular effort developed their natural physical endowments share in the emoluments of those talents on a basis of parity with those who through the same providential grace and, to some extent, their own application, are similarly gifted in mental capacity.

As a further answer to the problem, college football must also be made every one's game instead of the job of a handful. But before every college man can play, intercollegiate competition must cease and paid coaches forced to support themselves by somewhat more laborious effort. Our gigantic arenas, dwarfing the Coliseum, will have to be used for something else, Lord knows what! There will be no more colorful "days of the Big Game," no more crisp, red and gold, autumn Saturdays on the road or perched on the inner slope of an enormous crater, watching two teams in a breath-taking struggle. There will be no more mythical heroes of the cleat and shoulder-pad to eulogize and then forget. A grand tradition will have passed.

Is the American public prepared for these wide-flung reforms in its most popular college sport and will it encourage and support them? I don't believe so!

The Rise of a Racketeer

(Continued from Page 576)

took up the sports of the region on a grand scale, invited the neighbors in for a drink and cast about for club memberships and similar symbols of respectability. Some drank his champagne; others organized efforts in court to drive him out of the state. Thus far he has defeated them. The question of his desirability as a citizen is based only on reputation. As for a charge of vagrancy, his means are visibly abundant and he declares he is idle only because he is "retired."

THE Florida Capone is an entirely different character from the Chicago "Big Fellow." In Florida he takes every

precaution against violence. There are sentries at his gate, who the public believes are to protect him against possible assassins from the north, but it is as much their duty to see that none of the household grenadiers in a moment of whoopee gets off the reservation and offends the neighbors. While Capone's move from Chicago to Florida made him a gentleman, it was accompanied by disruption of his organization. He had drawn a line at Madison Street, through the center of the loop, and had given the north side to the Morans and the south side to his old pals from Cicero. To each group the other side looked fairer. Then, too, Aiello had grown discontented as second in command to Lombardo. Late in the summer of 1928 Lombardo was murdered at mid-afternoon on a busy loop corner. Again gang factions were at war. Aiello lined up with Moran and the battlefield of the days of O'Banion was resumed.

OUT of this warfare came the most savage of all gang killings, the machine gun execution of seven Moran followers in a beer truck garage near Lincoln Park. It happened at 10 o'clock the morning of St. Valentine's day, 1929. The killers in some deceptive guise—two women living across the street said they were dressed as policemen—lined the Morans against a brick wall with their hands up and then swept them with a pattern of straight rows of bullets, across the neck, shoulders and legs. Moran's crew seemed shattered beyond repair. Nevertheless, the bully "Bugs" vowed reprisal, and in a significantly brief time three Capone braves were murdered. It was an important killing, for two of them were Capone's noted "choppers," Scalice and Anselmi. The other was Tony Guinta, a rising young deadshot.

The underworld, however, did not credit Moran, but charged the triple murder to Capone. One account was that Scalice and Anselmi had grown so arrogant that their continued existence was a menace to their chief. Later on, when Capone had announced a truce with Moran, it was said that he had sacrificed his friends to meet the insistent demand of the north side peace delegates. That peace parley took place in Atlantic City two weeks after the Scalice-Anselmi killing and two months after the Valentine's Day massacre. It was revealed by Capone the day he was locked up in Philadelphia for having a revolver in his pocket. He had just come from Atlantic City.

In "a quiet, gentlemanly manner," he related his peace mission to Major Lemuel B. Schofield, Philadelphia di-

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rector of public safety, who gave this account of Capone's statement:

"During the last two years I have been trying to get out of the racket. But once you're in, you're in to stay, it seems. The parasites trail you, begging for favors and money, and you can never get away from them. I have a wife and a boy I idolize and a beautiful home at Palm Island, Florida. If I could go there and forget it all I would be the happiest man in the world. I want peace, and I'm willing to live and let live. With the idea in mind of making peace among the gangsters of Chicago I spent the week in Atlantic City, and I have the word of each of the men participating that there shall be no more shootings. 'Bugs' Moran and three or four other Chicago gang leaders whose names I don't care to mention were there. We talked over our troubles for three days. At the end of that time we all agreed to sign on the dotted line, to bury the past and forget warfare in the future for the good of all concerned."

Capone's weak submission to arrest and conviction in Philadelphia has al-

ways been a puzzle. There was every sign of pre-arrangement. The detectives who collared him had been guests at his Florida home. He went through arraignment and sentence with only a pretense of defense. Snap judgment was that he had chosen jail in a far city as a refuge from enemies in Chicago. But his account of the freshly signed peace would seem to contradict that. Recently it has been related, but without official confirmation, that he went to jail through a trade with the United States District Attorney in Chicago, George E. Q. Johnson. The government had two scores against him, a charge of contempt based on his evasion of an indictment for a prohibition violation, a relatively trivial matter, and suspicion of fraud in his income tax schedule.

Mr. Johnson is said to have felt that it would be difficult, if not impossible, to convict Capone in either case, yet he realized that his position was strong enough to bargain with the gangster under the threat of constant harrying. The prosecutor's aim was to get Capone in jail by any means, reasoning that his detachment for a period would mean the end of his own power and the collapse of his organization. The reported offer to Capone was that if he would take a year in a jail of his own choosing, the contempt and income tax annoyances would be forgotten.

Despite the police warning to stay out of Chicago, Capone has come and gone as he has pleased. Seemingly his jail term has not damaged his prestige among his followers, although that is difficult to determine because organized outlawry received a terrific jolt by the murder of Alfred Lingle, the reporter. The immediate result of that was the replacement of Police Commissioner William F. Russell, during whose tenure the Capone mob had enjoyed lush times, with John Alcock, a stiff-necked old-timer pledged to iron rule. Lingle was Capone's friend and, the slain reporter's bank and stock market accounts indicated, his business associate also. On the gang side the Lingle murder is supposed to have been balanced by the killing of Jack Zuta at a Wisconsin summer resort following one attempt to kill him while under police escort in the loop. A Moran-Aiello gunman is under indictment for killing Lingle and a Capone man has been charged with the murder of Zuta. Through it all, since his release from prison, Capone has been obscure, although he is known to have been in and out of Chicago and Cicero. The latest picture of him was obtained by a famous Paris police reporter, Georges London, who came all the way to Chicago to interview the world-famous gangster.

The Frenchman was taken to Capone in a closed car over a baffling route, but was received in gracious style.

"So you want to see the gorilla," said Capone with a laugh that impressed his visitor as wholehearted merriment. "Well, here you are," and he arose and turned on his toes like a fashion model. London made note of his well-tailored pearl gray suit and his general appearance as a successful business man.

"Only when you write me up," said Capone, "please don't call me a gorilla."

With his beer trade ebbing under pressure generated by the killing of Lingle, Capone gave more thought to his sideline of labor union racketeering. Previously he had provided guards for a master cleaner and dyer assailed by union "muscle men," and once had organized to take over unionizing a large group of city employees, a project upset by timely newspaper exposure. Now numerous of his toughs became so prominent in affairs of several unions, particularly those of teamsters and chauffeurs, that grand jury investigation was ordered. It was testified that Capone buckos, notably "Three-Fingered Jack" White and "Red" Barker, had taken over the unions by slugging and shooting the officers and then having themselves elected to control. They had stolen the reserve funds and the dues as they were collected. They had reinforced the Capone front all down the line as a serious menace to legitimate business through manœuvring the unions.

Fortunately the post of Chief Justice of the Criminal Court of Cook County, under whose direction the grand jury functions, was held by an able and plucky man, Judge John P. McGoorty. Following the start of the union racket inquiry, he led the way in action that brought about the indictment of White on an old murder charge and the return of Barker to prison, whence he had been freed by an unusual habeas corpus proceeding. Then in his charge to the next month's grand jury, that impanelled for November, he revealed to the public that he had defied Capone in the hoodlum's most brazen plan to distort law enforcement to fit his own notions. Chief Justice McGoorty told the grand jurors that a Capone agent with plenary powers had come to him with the offer

to withdraw the terrorists from the labor unions, provided Capone's beer business was permitted to go ahead unhindered. In one paragraph of his message to the grand jury, Chief Justice McGoorty said:

"With cool effrontery, overtures have very recently been made to the end that the most widely heralded and powerful gangster in Cook County will withdraw from labor activities if permitted to conduct, unmolested by law, his racket in beer. His most formidable competitors have been ruthlessly exterminated and the only apparent obstacle toward undisputed sway is the law. Such a truce is unthinkable. There must not be any compromise with lawlessness. That is my answer."

For the student of Capone's ten years of development, of the expanding point of view, from that afforded by the brothel door peekhole to the imperialistic spread from the beer-built heights of public benefactor, the episode holds interest and importance.

In the great public stir that followed the Lingle killing, the Chicago Crime Commission republished its list of "public enemies," on which Capone was Number One. North of the river the Zuta-Moran-Aiello crowd appeared readier than ever to grab what it could of Capone's empire. The federal government got in its first solid blow at the gang by convicting Capone's brother "Bottles" for income tax fraud and sentencing him to prison. It looked as if times might be hard for "The Big Fellow."

Through it all, however, he clung to his main purpose of peace in gangland—through elimination, by bloodshed or cajolery, of non-Capone elements. At first the murder of Lingle was thought to be an attack on Capone's strength and the subsequent killing of Jack Zuta a counter blow. But the Lingle murder motive has remained a matter for surmise through the long official inquiry, and one view lately is that he was killed for double dealing.

According to one account, Moran now is Capone's partner and presently will take charge of the north side. With Aiello dead and Moran persuaded to discretion, no power to dispute Capone is left in the underworld. As an indication of his substance, sustained through the most upsetting experience he has experienced on the part of the authorities, he has posted a million dollars, most of it in cash, for bail bonds for members of his gang held on charges of vagrancy, income tax falsification and carrying concealed weapons.

At the age of thirty-one Capone is master of the greatest criminal machine



this country ever has seen. No other organization, without a pretense of lawful character, has approached it in amount of money taken in, ruthlessness of purpose or corruption of public officers. How long it will last is a question without previous example on which to base a guess. Probably the end will be sudden. It may come from within. An association from which such yeomen as Uale, Scalice and Anselmi vanish mysteriously is little bound by sweet friendship. Or the destroying agent may arise from without, perhaps some young bully, unheard of now, who has the drive and murderous arrogance to go for the prize. One or the other is more likely than that he will be disposed of in the courts, where a slick lawyer can, at least, get a continuance.

Enforcement Invokes State Aid

(Continued from Page 579)

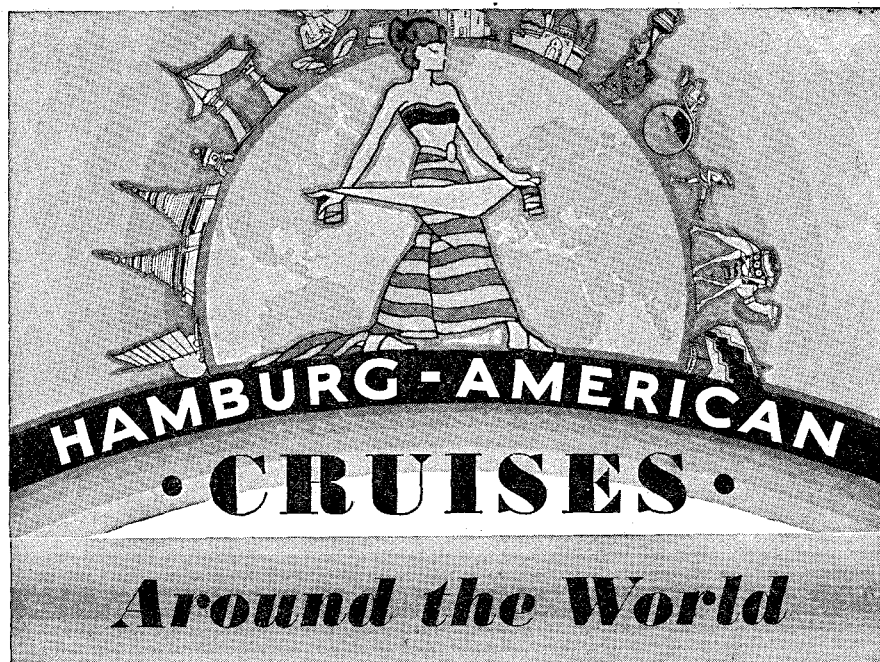
duty whatever on the states to pass such laws. The Amendment simply preserves to the states the power in this respect which they already had. It grants them no new power, and since it grants them no power of any kind obviously it imposes no duty of any kind²³.

IN SENATOR BORAH's theory of concurrent power and Governor Ritchie's interpretation of the same clause there was a wide discrepancy in point of view, reflecting a disagreement over the merits of prohibition as well as over the rulings of the Supreme Court and the theory of the Constitution. Meantime, whether it was the duty of the states to match the federal government man for man and dollar for dollar in the enforcement of the law, or whether no semblance of legal or moral responsibility rested on the states, this much was certain: the federal government had no power to compel the states to take action against their will. As Mr. Borah himself pointed out, "We cannot *mandamus* a state to pass a state law, to execute or enforce a law²⁴." The states were sovereign bodies. Short of the application of armed force, there was no way in which to enlist their cooperation in this enterprise save through the power of persuasion.

The attempt to exercise this power of persuasion had begun at an extremely early date. For obvious reasons, including the important element of cost and the equally important element of taxes, successive Presidents had chosen to adopt the same interpretation of the law as that championed by Mr. Borah. As early as December, 1922, Mr. Harding made the first formal plea on behalf

23. Address at Boston, December 10, 1929.

24. *New York Times*, July 28, 1929.



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of a President of the United States for more effective assistance by the states. Prohibition had not been successfully enforced. There were "conditions relating to its enforcement which savor of nationwide scandal." It was important that the states contribute more to this experiment than they had contributed to date. "I purpose to invite the governors of the states and territories, at an early opportunity, to a conference with the federal executive authority²⁵."

From this point forward the appeal for assistance by the states had been repeated by successive Presidents from year to year as regularly as the plea for loyal observance of the law on the part of private citizens. In May, 1923, Mr. Harding urged the states "fully and literally" to assume "their part of the responsibility of maintaining the Constitution²⁶." In June of the same year he deplored "a growing laxity on the part of the states" and appealed for "real cooperation between national and state authority²⁷." In October Mr. Coolidge took up the burden of Mr. Harding's appeal and urged the states to come to the aid of the federal government by using the machinery of local government "to the full extent of its capacity to secure the enforcement of the law²⁸."

Time and again, during his five and a half years in office, this invocation to the states appeared and reappeared in Mr. Coolidge's public statements on the problem of prohibition. To this same theme he returned in his message to Congress in December, 1923; in his Memorial Day address at Arlington in May, 1925; in his message to Congress in December, 1925; in his message to Congress in December, 1926; in his message to Congress in December, 1927; in his message to Congress in December, 1928, three months before the inauguration of the Hoover Administration.

TIRELESS as were the efforts to stimulate the states into aggressive action, the net result of eight years of earnest appeals from Washington was an appropriation of \$698,855 for enforcement in 1927, the latest year for which figures of the Census Bureau were available when the Hoover Administration entered office²⁹. At this point the states were contributing to the experiment with national prohibition less than a penny a year for each of their inhabitants. They were devoting to Mr. Borah's theory of their heavy responsibilities under the concurrent clause enough funds to give each state an aver-

age of five prohibition agents at a salary of \$3,000. They were spending for the enforcement of the Eighteenth Amendment approximately one-eighth of the sum they were spending for the enforcement of their own fish and game laws³⁰.

For the complete failure of the states to give the federal government the effective assistance for which it had so often asked, their indifference to a long series of appeals from Washington and their reluctance to reply to these appeals with money for enforcement, the Prohibition Bureau advanced an explanation in June, 1930. In a pamphlet bearing the seal of the Treasury Department and entitled *State Cooperation in the En-*



Through a Glass Darkly

From the Trend of Events in the Outlook of December 6, 1930

The National League of Newspaper Managing Editors, in accordance with the "flat-tire news" section of its disciplinary code, fined the Birdtown (Neb.) Blade \$100.00 for printing a story with the head "Coldest Nov. 27th in 16 Years."

Agitation was renewed this week in Sydney, Cape Town and Winnipeg for the removal from London to one of those cities of the seat of the British Imperial-Dominion Government.

"The Masked Ball," a new comedy by Marc Barry, served this week as the debut of Ethel Colt Hobbs, daughter of Ethel Barrymore Colt, who headed the cast. Masks were worn throughout the performance by all the characters.



forcement of National Prohibition Laws, the Bureau offered this suggestion: "To an observer the causes of this lack of cooperation are quite apparent. Unwholesome influences are at work to prevent enforcement³¹."

It was a familiar theme, the theme of a conspiracy to defeat the law, but in the case of the state legislatures there were obvious influences with which it failed to reckon. Merely as a matter of routine administration there was an almost inevitable tendency on the part of the states to slacken their efforts in the enforcement of state prohibition laws when the federal government entered the field of enforcement with its great prestige and its enormous income. Something of this sort had happened many times before and in the case of many laws which ante-dated prohibition. Left to their own devices, to work out for themselves the

solution of a problem which remained within their borders, the states had been compelled to exercise their own ingenuity and to accept responsibility for their own decisions. Once the federal government appeared upon the scene with its vast resources, it was entirely in accord with precedent that the states should feel, as Mr. Harding complained in 1923, that a kindly *deus ex machina* had "actually taken over the real responsibility³²."

Deeper down than this, however, lay the fact that the states were now suddenly called upon to enforce a law which in most cases had never had the sanction of local legislation. If it is unquestionably true that forty-five of the forty-eight state legislative bodies ratified the Eighteenth Amendment during a period which began in the tenth month of the War and ended in the third month following the Armistice, it is also unquestionably true that most of these states had never chosen down to this point to experiment with anything as drastic as bone-dry prohibition. The method which they had followed in dealing with the familiar problem of intoxicating liquor had been to proceed cautiously in accordance with local standards and customs which varied substantially in different sections of the country.

IF ONE fact was abundantly clear by 1930 it was the failure of the federal government, after ten years of earnest exhortation, to persuade the states to make a realistic effort to enforce prohibition in the United States. The states, with six exceptions, had been willing to enact and to retain on their statute books a quantity of legislation. They had not been willing to appropriate more than a pittance for the enforcement of this legislation.

Nevertheless, barren as were the efforts of the federal government to enlist effective assistance by the states, it was once more to the states that the Hoover Administration turned in 1930, confronted by a new development in the problem of enforcement, the emergence of the illicit still as the dominant factor in production and the necessity of creating an army of agents adequate to police the country. The budget for enforcement submitted to Congress precisely at this time proposed merely a nominal increase in the appropriation of the Prohibition Bureau. Nor did this budget stand alone as mute evidence that the Administration believed the vast problem of suppressing illicit stills to be a problem beyond the responsibility of the federal government. A series of statements by various heads of departments in Wash-

25. Message to Congress, December 8, 1922.

26. *New York Times*, May 17, 1923.

27. *New York Times*, June 26, 1923.

28. *New York Times*, October 21, 1923.

29. *Financial Statistics of the States*, 1927, United States Census Bureau, pp. 80-3.

30. *Ibid.*

31. *State Cooperation in the Enforcement of National Prohibition Laws*, United States Treasury Department, 1930, p. 7.

32. Address at Denver, June 25, 1923.

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COMPANION—Cultured, experienced, travelled extensively—drives car—references. Address Mrs. Laila C. Jarvis, North East, Pa.

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ington not only emphasized again, in mid-summer, 1930, the importance of effective state assistance but now made it impressively clear that without effective state assistance there would be no enforcement.

Attorney General Mitchell insisted that the federal government could not possibly go into the states to "create an enormous police force . . . such as would be necessary to measurably enforce the law if the state authorities did nothing³³." The Prohibition Bureau

33. New York Times, June 27, 1930.

argued in its latest brochure that failure to enforce the law could not "consistently be laid at the doors of the federal authorities," since, in the absence of state assistance, "the burden put upon the federal enforcement machinery is too heavy³⁴." Assistant Attorney General Youngquist frankly confessed that the existing federal agencies of enforcement were "pitifully inadequate" for the task in hand³⁵, though the government plainly

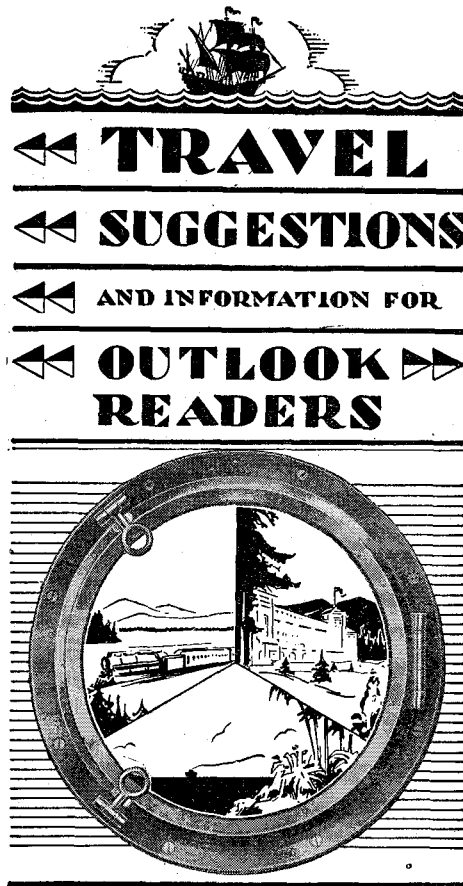
34. State Cooperation in the Enforcement of National Prohibition Laws, United States Treasury Department, 1930, pp. 2, 64.

35. New York Times, August 29, 1930.

had no intention of increasing these agencies substantially.

To a fuller extent than ever before in a decade of experiment, the federal government abdicated responsibility for the single-handed enforcement of bone-dry prohibition in the United States at the end of 1930. The problem of enforcing bone-dry prohibition now returned to the states, the great bulk of which had never had it before 1920 and certainly never enforced it, once they got it.

(To be continued)



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With Our Readers

Mr. Curtis on Business Depression

To the Editor of the
Outlook and Independent:

Brooklyn

SIR—Anent your column, "Remarkable Remarks," Vice-President Curtis is quoted, "It is hard to understand why there should be so much unemployment and such business depression in the United States."

With due respect to Mr. Curtis, it is inconceivable that a man in his capacity would utter such a self-devastating and misleading statement. If Mr. Curtis will peruse Mr. Stark's timely article, "Jobs for Jobless," he will be thoroughly convinced that there does exist one of the most deplorable economic depressions witnessed within the last decade or so.

Mr. Curtis's weakness is, that, like other staunch and dyed-in-the-wool Republicans, he will not admit that a business depression can and has occurred under a Republican Administration. If the Republican officials who have been immersed in the Republican doctrine of prosperity will cease uttering insipid statements and devote their time to restoring conditions back to normal, they will have done more good than indulging in idle parlance.

SALVATORE T. VITALE.

Police Brutality

To the Editor of the
Outlook and Independent:

Baltimore

SIR—It is with deep interest I have read the editorial in your issue of November 19 on "Cardozo on the Third Degree"; also "The Third Degree" in *The Trend of Events*.

I sincerely hope it means that you are going to take up the fight against the stupid and brutal system, for which there is no excuse under heaven. You have a large circulation and could do much to waken the ignorant public to the truth.

ELIZABETH T. DAVISON.

Controlling the Stock Market

To the Editor of the
Outlook and Independent:

Biloxi, Miss.

SIR—Not the least interesting feature of the most thrillingly interesting publication that I see is the financial discussions of both the editors of the *Outlook* and its contributors.

Let us concede that Calvin Coolidge, when he was President, was utterly conscientious in all of his public statements intended to support the market, which I completely believe, as I have observed few who seemed to thoroughly understand the significance of speculation on the exchanges; that Secretary Mellon was personally disinterested in all of his statements to the same end, which would be too great a strain upon credulity; and that President Hoover has been wise in his course in the same connection, which seems questionable, though I am pleased to see that Lawrence Sullivan places him in a far better light than that which has hitherto shone upon him.

Yet I venture to predict that, should a public authority possessing power and force undertake to suppress or even radically reform the exchanges of the country, the banks, businessmen, press and even the clergy, now, would rush to their defense on the ground that they are a necessary instrumentality of finance and commerce, a hoary claim that has never been demonstrated, so far as I have seen, and cannot be, in my opinion.

The contention that there are both legitimate and illegitimate transactions on the exchanges can not be successfully maintained, unless one is prepared to admit that gambling is legitimate. Balzac, a French thinker of front rank and of wide experience in the matter, affirmed that the Stock Exchange is a vast card table. And Andrew Carnegie, who is good enough authority for any one, both as a financier and a philosophic liberal, says in his autobiography that Stock Exchange transactions are pure gambling and that he never once indulged in them.

Another matter: Willie Snow Ethridge's premise being false, her conclusion necessarily partakes of the same quality. The classic hostility of the poor Whites of the South towards the Negro is one of those things like "I cannot tell a lie; I did it with my little hatchet," which has been shown by research to be without much foundation in

fact. I suspect that similar disinterested investigation would disclose as little support for the former tiresome assumption.

Though an intense Southerner, whose life has been lived in the South, I make this statement without the least passion. I do not resent the views of Northern people. It would be surprising if they were different. But I have a very decided opinion about Southerners who adopt those views upon their own terms. My observation, which is not a mere form of expression but a matter of actual experience, is that Northern people who come South to reside usually soon become more Southern than Southerners . . .

J. D. BARBEE.

Returning the Compliment

To the Editor of the
Outlook and Independent:

Palmerton, Pa.

SIR—I was much amazed this morning when I turned to the "With Our Readers" page and read Rev. Mr. Speel's letter. I was a bit nettled also.

First of all I want to say that it was your fearless discussion for repeal of the Eighteenth Amendment which won me as a subscriber. I liked your courage and fair-mindedness. There were, up until recently, so few editors who dared give their opinion. Many Protestant Christians say that Catholicism controls the press. Many thinking people go a step farther and say that the Christian Church controls the press. I agree with the latter opinion. Whether or not they should, is beside the question . . .

According to the Rev. Mr. Speel, any magazine which prints only one side of great issues is stamped as a partisan sheet and its reading matter as propaganda. I'd like to see one church paper whose editor is a strong dry print both sides of this prohibition question, arguments for as well as against, able men. Perhaps there are some who do but I know there are plenty who do not. I am quite curious to know if the Rev. Mr. Speel has preached a sermon for and against or if he has allowed an open discussion from his pulpit.

Are the ministers today willing to have the people hear both sides of every question about the Christian religion? I'd like to join the church which permits open discussion on both sides of every question. The sad fact is that "strict adherence to fair and truly Christian standards" seems to mean, in our country, having no opinion, allowing the ministers to do our thinking, and never daring to entertain the thought that the Christian Church might be wrong on any subject . . .

What the world needs is fair-mindedness. I believe it was generally understood that the Wickersham Committee was appointed to study facts and arrive at the truth of this question. Now how could the President of the Woman's Christian Temperance Union justify her petitioning the Wickersham Committee? How can any organization, wet or dry, feel it can honestly send a petition or protest? If that is right, then trying to influence a juror is right. It is purely an attempt to obstruct justice. Would the Rev. Mr. Speel call that adhering to Christian standards?

I doubt if there is a person who can read who has not had the dry side brought before them. Perhaps it is the fear that people may learn the truth which makes the Reverends object to your policy.

ABBIE LEH.

Bouquet

To the Editor of the
Outlook and Independent:

Pittsburgh

SIR—May I say here how much I enjoy your weekly journal. I have been reading it since a lad of seventeen years. I am now—oh well, I have had it constantly for thirty-three years. I, of course, have seen the *Outlook* pass through many tribulations and trials and while I am neither dry nor wet, Republican nor Democrat, but just a plain ordinary "Mugwump," your sheet is a kind of anchorage. I think "The Dry Decade" is simply grand. When will the story be published in book form?

E. J. EDSALL.

[Editors' Note—Mr. Merz's articles which have been appearing serially in the *Outlook* will be published in book form by Doubleday, Doran and Co., on January 30, 1931, under the title *The Dry Decade*.]